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FORTY-FIFTH INTERNATIONAL CONFERENCE ON: “SOCIAL,
TECHNICAL, APPLIED AND NATURAL SCIENCES – GLOBAL
CHALLENGE 2026”
(ICSNS XXXXV-2026)

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Principle of “self-determination”: The legal-international position of Kosovo

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Abstract

This paper aims to provide a complete analysis of the principle of self-determination and its forms of manifestation, starting from the fact that the concept of “self-determination” can have a number of meanings that are very far from each other, where particular importance will be given to the case of Kosovo as a *sui generis* case in contemporary international law. Particular importance will be given to the treatment of the principle of “self-determination” seen in its entirety for the way it functions, starting from the genesis of its appearance in the international arena to the present day, as one of the most debated topics in jurisprudence and the doctrine of contemporary international law.

We will identify and analyze the emergence of the principle of “self-determination” starting from the international instruments and international acts that have addressed the principle to the different positions that doctrine and jurisprudence have held regarding the importance of the principle. The treatment of this principle in this context comes as one of the special cases towards a universal case, where as a concrete example it is worth discussing and analyzing the case of Kosovo as a “*sui generis*” case in international law, this as a result of the characteristics and nature that Kosovo presents today as a state as a result of the legal position and status that it enjoys in the international arena.

But at the same time, this paper is based on historical methodology to analyze and study the phenomenon, since the principle of “self-determination” itself can be considered today as a point of convergence between history, international doctrine and the domestic law of a country, also due to the global nature that this concept has taken on.

Keywords: Self-determination; Internal self-determination; External self-determination; *Sui Generi*; Independence; International Doctrine; International Administration.

1. Introduction and theoretical basis

The right of peoples and nations to self-determination is a prerequisite for the full enjoyment of all fundamental human rights (Quoted in General Assembly resolution 637 A (VII) of 16 December 1952.

This scientific paper aims to address the institutions of international law, and in particular the basic institutions of the principle of “self-determination”, where the international norm comes into conflict with the internal norm of a state. The debate on self-determination has been vigorously discussed in recent years in Europe but also throughout the world. Since the right to self-determination includes a whole range of political and economic interests, it is difficult to find clear information about what it really is and what is currently happening in the world, this also starting from the attention that we must pay to the formation of a new state as a political-social

formation, based mainly on the elements that it must fulfill in order to be recognized as a subject with full attributes in contemporary international law. In this context, it is important to pause and analyze the concept of sovereignty as one of the elements that determines the existence of a state, as well as focusing on a comprehensive analysis of the phenomenon of interventions for humanitarian purposes as a new concept in the evolution of international doctrine.

In the spirit of these institutions of international law, special importance will be given to the treatment of the principle of "self-determination", starting with the first acts and instruments from which this principle takes life and up to the various forms of its manifestation. Special attention in this paper will be given to the case of Kosovo as a sui generis case, especially for the importance and precedent it created regarding the principle of self-determination in contemporary international law, where the impact of the decision of the International Court of Justice on the Kosovo issue will be specifically addressed, as well as the problems that Kosovo faces today since its declaration of independence and separation from Serbia.

2. International law and the principle of self-determination

The principle of "self-determination" is part of the group of fundamental principles of international law, its implementation in practice is accompanied by significant consequences that appear both in the enrichment of the world scene with its actors and in the presentation of the states from which these states have seceded. As a principle of international law, it is connected and conditioned in some way with some of its other institutions.

Placing the principle of "self-determination" in the international legal background and treating its evolution and aspects will serve us to better understand the current importance and the cases in which this principle has found application. Therefore, we will first focus on the general framework of international doctrine and the basic elements of the state as a subject of international law for international recognition. With the development of human society in a world now characterized by the equal respect for human rights and fundamental freedoms, it has become imperative that, regardless of where an individual is located, respect for these rights is very important. Through the following analysis of international law, domestic law and international legal norms in general as a function of regulating relations between states, we will elaborate on the concept and functioning of where the principle of "self-determination" is and where it stands today¹

International law constitutes a system of norms and principles that regulate international relations between sovereign states and other institutional subjects of international law². These norms are created primarily by states either for their own interests or as a means to facilitate the functioning of the organizations of which they are members. International law in a broad sense encompasses every aspect of interstate activity and facilitates the functioning of the international community³. It is precisely the development of international law from a system that was primarily

¹ Dixon M. (2009), *International Law*; AIIS Publications, Tirana.

² Puto A. (2002), *International Law*; Dudaj Publications, Tirane.

³ Omari L. (1999), *Principles and Institutions of Public Law*; Elena Gjika Publications, Tirana.

concerned with facilitating international cooperation between subjects (states) to a system that aims much more at controlling its subjects that constitutes the most prominent feature of the history of international law in recent years.⁴

3. Historical aspect of the principle of self-determination in Kosovo

The idea of self-determination in Albanian territories, as well as their political demands to establish an independent political-territorial status, have been an inseparable part of the history of the Albanian people. Kosovo and the Albanian question were the object of historical injustices, which aimed to fragment the Albanian people's national substance and to narrow down as much of its territory as possible.

The first recorded attempt in the history of the Albanian people, in which we find elements of the Principle of Self-Determination, was the organization of the Albanian League of Prizren (1878-1881). We can say that we find elements of the Principle of Self-Determination, because precisely this political-territorial-administrative organization envisaged the organization for complete political and territorial independence. Its goal was the unification of Albanian lands and their declaration of independence. "Kosovo for centuries represented an independent collectivity, with political-juridical and territorial elements, which was distinguished by an Albanian ethnic majority. Throughout history, Kosovo has been an independent territorial entity⁵.

The Albanian League undertook great historical tasks: the struggle to preserve the integrity of the Albanian lands against their fragmentation in favor of the chauvinistic Balkan monarchies and ensuring the autonomy of Albania, the creation of a unified Albanian national state.⁶ "The Albanian League was the new and highest stage of the National Renaissance. The Conference of Ambassadors in London in 1912-1913 is another historical moment, but in which the separation with Kosovo is marked. At the Conference of Ambassadors, the interests of Albania were especially underwritten by the position of Russia. This Conference separated Albania, leaving out Kosovo and Cameroon and other regions with compact Albanian populations.

The treatment of the border problems of the new Albanian state was not based on ethnographic, historical, economic, etc. considerations, but was done by the Powers under the prism of not disrupting the "European concert", which, from the perspective of this diplomacy, could later lead to a European war.⁷ Meanwhile, the separation of Kosovo from Albania should not be considered a right of Serbia since, as prof. R. Gurakuqi: "It is necessary to determine that: Serbia's right over Kosovo did not arise as a result of a consensus of normal integration of this territory, as a result of a general popular consensus, or of an unjustly interrupted historical continuity, but as a result of the acquisition of this territory as war booty and internationally sanctioned by an institution, which at the core of its work at that time did not have today's basic principles of democracy that regulate international relations for the principle of preserving by all means and methods the European concept.⁸

⁴ Special Bulletin, 5 years of the Constitution – Constitutional Court and Venice Commission.

⁵ Rahimi Sh. (1989), Vilayet of Kosovo; Pristina.

⁶ Group of authors. (2007), History of State and Law in Albania. Publishing House: Luarasi University Press.

⁷ Gurakuqi R. (2012), Albania 1911-1914; Wet Press, Tirana.

⁸ Gurakuqi R. (2012), Albania 1911-1914; Wet Press, Tirana.

Another important organization in the history of the Albanian people is the Bujan Conference of December 31, 1943, which continued its work until January 1-2, 1944. This conference has a special importance, because it organized a meeting of all Albanians of Kosovo and the Dukagjini Plain: Albanians, Serbs, Montenegrins, etc., where it was expressly stated that: "Kosovo and the Dukagjini Plain are a region inhabited by the majority of the Albanian people, who, as always, also today want to unite with Albania."⁹

The Bujan Conference highlights through the resolution three main elements that define the right of self-determination of the Albanian people in Kosovo:

1. The ethnic element, according to which the Albanian people are the ones who self-determine and this right of theirs stems from the population and compact majority in that territory;
2. The historical element, i.e. the antiquity of the Albanian population of this region and the historical community of its existence;
3. The political element, or the expression of the plebiscite political will to join a state, in this case Albania, as a centuries-old and current goal of the Albanians of Kosovo, the formulation of which is found differently as: the Albanian people wish to join Albania."¹⁰

Although the decisions of the Bujan Conference were never considered by the leadership of the Yugoslav state parties, for Albanians it is a reference for the treatment of the Albanian issue.

4. Constitutional - legal position of Kosovo 1946 - 1974

The 1946 Constitution defines Kosovo as an autonomous province and as a constitutive element of federalization, which at the same time was within the framework of the constitutional structure of Serbia.¹¹ During this phase, Kosovo had a political subjectivity which was expressed by its direct representation in the People's Assembly of the RPFJ. The organization and functioning of the bodies as Kosovo were considered during this period were regulated by the 1948 status, which was the highest legal act.

The 1948 Statute of Kosovo was the first general normative act of Kosovo, which expressed a form of its independence in the organizational sphere, but always to the extent that the then centralist system could allow. In this general act, as the highest political-legal act, important issues are regulated, such as: the scope of action of the provincial bodies, the organization of local government and also the issuance of all acts of a sub-legal nature. The highest bodies of Kosovo, during this period, were the People's Council, the Provincial Executive Council and provincial administrative bodies.

Instance, while there was no supreme court, as the highest judicial instance. With the issuance of the second status in 1953, Kosovo enjoyed several competencies such as: regulating issues of interest to the Province in the areas of economy, education, culture, public health and social care, taking care of the implementation of laws and

⁹ Resolution of the Bujan Conference – Dukagjini Publications Pristina 2000.

¹⁰ Bajrami A. (2002), *The Right of Kosovo in Transition*; Pristina.

¹¹ Gjeorgjevic J. (1972), *Constitutional Law*; Pristina

maintaining public order. Kosovo, as an autonomous province, exercised supervision of legality in the work of the people's councils in its territories, issued the social plan and the budget of the province, in addition to the rights that by the Constitution and by law were in the exclusive competence of the organs of the Republic.¹²

In the period from the promulgation of the 1963 Constitution until the promulgation of the constitutional amendments in 1968, the concrete constitutional-legal basis of the autonomous provinces was the Constitution of the Socialist Republic of Serbia (Chapter VI - Articles 129-139).¹³ In relation to the Albanians of Kosovo, during this period we have a Serbian policy, which is to the detriment of the Albanian people. In 1966, in the public political scene of Kosovo, the request for the status of the Republic of Kosovo appeared and was articulated, a request that was rejected due to the positions of the Communist Party, under the dominant Serbian influence. The rejection of this reasonable request of the Albanian people of Kosovo was one of the main reasons that prompted the organization of the Student Demonstration of 1968, where the advancement of the constitutional position of Kosovo and the granting of the status of Republic for Kosovo were requested.

The constitutional acts, also based on the recent developments that were taking place in Kosovo in 1968, demonstrations and reactions in opposition to the former Yugoslavia, essentially changed the character of Kosovo's independence, compared to its position, previously sanctioned in the Constitutional Laws of 1953 and 1963. The main change was in the restoration of the "constructive" attribute, according to which Kosovo (as well as Vojvodina) were designated as a constructive part of the federal structure of the former Yugoslavia. Kosovo adopted the Constitutional Law as the highest legal act on 24.02.1969. In addition to this constitutional law, Kosovo enjoyed a broader legislative authorization. Therefore, the previous normative powers, of a sub-legal character, were replaced in this case by broader powers.

This constitutional law of Kosovo represented a fundamental act of a political-legal nature of the Province, which in terms of form, content, techniques of issuance and its purposes was similar to the constitution. Unlike previous periods when the rights and duties of the autonomous province were treated as delegated or transferred from the republic, according to the new constitutional law, the provinces were the original bearers of normative functions, in a similar way to the republics. However, even in the definition of the term there is an essential difference; when they were so similar to the organization of the republics, why did they not enjoy the same name. For the sole reason that, despite the fact that this autonomy was increasing with this law, it should not be questioned that the autonomy was not equal to the republic. In relation to this issue, also prof. Arsim Bajrami states that "it was called a law and not a constitution, since there were never any specific explanations, but it was treated more as the result of political compromises based on which efforts were made to avoid the suspicion that autonomy was being equated with the republic than as an expression of its content and essence."¹⁴

The promulgation of the Constitution of the former Yugoslavia in 1974 continued the

¹² Bajrami A. (2002), Kosovo Law in Transition; Pristina.

¹³ Gjeorgjevic J. (1972), Constitutional Law; Pristina.

¹⁴ Bajrami A. (2002), Kosovo Law in Transition; Pristina.

process of advancing the position of the Constitution of Kosovo within the framework of Yugoslav federalization. Kosovo, with the provisions of this Constitution, was defined as an autonomous political-territorial unit and as an autonomous constructive element. The constitutional position of this year was very special given the legal-constitutional position that it enjoyed in relation to the other former republics, although the provisions of this Constitution did not expressly define it, it can be said that Kosovo was an independent federal unit and with constructive elements. This Constitution has a special importance for Kosovo, as it gives it the right to new statutory-constitutional self-determination of its position after the dissolution of the SFRY. With the 1974 Constitution, Kosovo was an autonomous political-territorial unit since it had independence in the constitutional and legislative spheres. Constitutional because Kosovo has had an organization independent of the federation, in the political, economic and social system, its own internal organization. In the legislative sphere, Kosovo has been the sovereign bearer and source of legislative regulation of all social relations that have been in the interest of the citizens living in Kosovo. However, in the legislative function, there were limitations, since the federations themselves have been limited to the same extent by "federal legislation", which has been within the competence of the federal bodies. All these attributes that the 1974 Constitution defined for it, despite the fact that they essentially appear as elements of independence and functioning as an independent state, with its own self-governing organization, the Albanians of Kosovo could not express their self-determination in relation to the former federation. It could neither unite with Albania nor be separated from the former republics. Kosovo could govern itself and organize itself, always in the spirit of the former RFPJ, it could have a border, it could be recognized as a territory, a majority Albanian population, a representative assembly, a court, seen as an autonomous province within the Serbian federations, but without expressing a desire or will for self-determination, Kosovo would always be part of Serbian claims, despite the fact that they often granted it certain freedoms, which they sometimes gave it and sometimes took away.

5. International administration of Kosovo and the ICJ decision

With the intervention of NATO, a new historical stage for Kosovo begins. The beginning of international administration in Kosovo begins with Resolution 1244, which is adopted after the entry of NATO forces into Kosovo. Resolution 1244 is an initiative of the Security Council on June 10, 1999, in which Kosovo is placed under the administration of the United Nations, paving the way for an international civilian and military presence in the territory of Kosovo.

What did the Resolution foresee? For this purpose, in essence, the resolution envisaged the establishment of a temporary international administration (UNMIK), at the head of which should be a special representative of the UN Secretary-General. This administration would create and supervise the 'development of self-governing and democratic institutions' in Kosovo, including the organization of free elections. It also envisaged the final withdrawal of all Serbian forces from Kosovo, as well as the cessation of any military action by the KLA and other armed Albanian groups. To

guarantee resolution 1244 and peace, it envisaged the deployment of a NATO military force in Kosovo.¹⁵

This international administration is of a temporary nature and aims to create appropriate democratic conditions for resolving the final status of Kosovo. This model is specific because, in addition to the establishment of an international civil and military administration, it is combined with local self-government and a democratic and institutional process, which, in addition to eliminating the causes of the crisis and interethnic hostilities, aims to deal with the removal of the causes that have brought about the crisis, i.e. to resolve the source of the crisis and to enable a political solution and long-term status of the crisis.

The international mission, through Resolution 1244 and the Ahtisaari Package, aims to establish talks and cooperation, to launch negotiations between the Albanians of Kosovo and the Republic of Serbia. These are the two parties to which the package and resolution refer directly, parties that will always cooperate with the third party, the international one. How is the negotiation between the parties going? The international mission in Kosovo, through the Resolution, the Constitutional Framework for Provisional Self-Government, the Ahtisaari Package and then the Constitution of Kosovo, is trying to reach an agreement and cooperation, aiming to launch negotiations between Kosovo and the Republic of Serbia. We refer to Kosovo and the Republic of Serbia, because in the first acts for Serbia the term Republic is used, while the Albanian side is simply called Kosovo, Resolution 1244 and the Ahtisaari Package are the two basic documents, which start the foundations of the functioning of Kosovo. In the following, we will see some of the main points that these official documents address, which not only foresee the temporary self-administration of Kosovo but also the beginning of a new stage for it.

In legal and political terms, Resolution 1244 has sanctioned the status quo, that is, the situation that existed before the constitutional overthrow of Kosovo's position, as defined by the 1974 Constitution. Resolution 1244, in its annex 2 (point 5), further decides on Kosovo. : The establishment of an interim administration for Kosovo as part of an international civilian presence, under which the people of Kosovo may enjoy substantial autonomy within the framework of the FRY, shall be decided by the United Nations Security Council. The interim administration shall provide for transitional administration, while it establishes and supervises the development of provisional democratic institutions of self-government to ensure conditions for a peaceful and normal life for all the inhabitants of Kosovo.¹⁶

As for the provisional legal status, Resolution 1244 for Kosovo promotes a new status, of substantial self-government (autonomy) within the integrity of the FRY. It is precisely this definition, namely substantial self-government on the one hand and territorial integrity of the FRY on the other, which brings about problems in the practical aspect of self-administration.

The concept of substantial governance, promoted in Resolution 1244, from which the Constitutional Committee for Provisional Self-Government will later refer, poses a problem in terms of management and in its entirety as the essence of Kosovo's legal status. This self-government does not contain the necessary attributes that characterize

¹⁵ Zaganjori Xh. (2011), Jurisprudence and international practice; Published, Tirana: Morava.

¹⁶ Resolution 1244 – Approved by the Security Council.

Kosovo as a state entity, but with attributes that distinguish it as an autonomous unit with limited competencies. Although the Resolution promotes the concept of self-government for Kosovo, it attributes to the United Nations Interim Mission (UNMIK) the final authority in the functioning of power in Kosovo in its three forms: legislative, executive and judicial.¹⁷

These attributes are found both in Resolution 1244 and in the Constitutional Framework for Provisional Self-Government in Kosovo. Resolution 1244 does not define a limitation on the mandate of the International Mission for Kosovo, by not defining clear competencies between the international authority and the democratic institutions of Kosovo, but by treating them simply as cooperative. It does not establish a temporal determinability of the international mission nor the final mechanism of the political status of Kosovo, but gives it a temporary character and pending a final solution. Another important document is the Ahtisaari Package of 26 March 2007. The Package is a comprehensive proposal for resolving the status of Kosovo. Based on the principle of self-determination, this Package provides a condition for the status of Kosovo, where in its article 1/8 it is stipulated that: "Kosovo shall have no territorial claims against any state or part of any state and shall not seek union with any state or part of any state." The Ahtisaari Package is the starting point for drafting the Constitution in Kosovo, where in article 113: "Kosovo shall adopt a Constitution. The Constitution of Kosovo shall describe and guarantee the legal and institutional mechanisms necessary to ensure that Kosovo is governed according to the highest democratic standards, and which shall promote peaceful coexistence and prosperity for all its inhabitants. The Constitution shall "include the principles and provisions contained in Annex I to this Agreement, but shall not be limited to them."

Particular importance is given to the position of communities, not the majority, such as the Serbian population in Kosovo, where Article 6/2 states: "Local self-government in Kosovo shall be based on the principles of good governance, transparency, efficiency and effectiveness in the provision of public services, paying particular attention to the needs and concerns of communities that are not in the majority in Kosovo and their members." Religious belief also enjoys special protection: "The Serbian Orthodox Church in Kosovo (SOC), including its clergy and members, its activities and property, shall be provided with additional security and other protective measures for the full enjoyment of their rights, privileges and immunities, as provided for in Annex V to this Agreement." Kosovo, in drafting its policies, also takes measures for the return of Serbs to Kosovo. "All refugees and displaced persons from Kosovo shall have the right to return and reclaim their property and personal possessions, in accordance with domestic and international law."¹⁸

The Ahtisaari Package is one of the most important documents in the legal and constitutional aspects of Kosovo. It is the most important agreement, which provides for the constitutional framework of Kosovo. The general principles of this agreement are incorporated into its future constitution. It directly affects the future Constitution of Kosovo. Article 1 of the package expressly provides that "The Constitution of Kosovo: 1.1 Shall be in all its provisions consistent with this Agreement and shall be interpreted in accordance with this Agreement; in the event of inconsistencies

¹⁷ Bajrami A. (2002), *E drajta e kosoves ne Transicion*; Pristina.

¹⁸ Article 4/1 Ahtisaari Package.

between the provisions of the Constitution and the provisions of this Agreement, the latter shall prevail.

Resolution 1244 and the Ahtisaari Package set several preconditions for the international factor to lead the new state of Kosovo into a multi-ethnic state, with Albanian and Serbian as official languages, secular, but with respect and protection of the Orthodox faith, with representation in the assembly of communities that are not in the majority and with limitations on sovereignty that: The Republic of Kosovo has no territorial claims to any state or part of any state and will not seek to join any state or part of any state.¹⁹

The decision of the International Court of Justice on Kosovo was based “on the initiative of Serbia, where the UN General Assembly adopted on 8 October 2008 Resolution 63/3, through which, based on Article 96 of the UN Charter and Article 65 of the Statute of the International Court of Justice, the latter was requested to give an advisory opinion on the question: “Is the unilateral Declaration of Independence, taken by the institutions of self-government of Kosovo, in accordance with international law.”²⁰

The advisory opinion of the International Court of Justice was announced on 22 July 2010. The Court confirmed that “the Declaration of Independence of Kosovo of 17 February 2008 does not violate the norms of international law”. This decision received 10 votes in favor and 4 against. The advisory opinion of the Court addressed, among other things, several issues, such as: Jurisdiction and discretion of the court, scope and meaning of the case, main acts. The Court also focused on assessing whether the Declaration of Independence was in accordance with international law and drawing general conclusions.

The Court answers the question posed by the UN General Assembly, also addressing the Principle of Self-Determination. “The Court first of all points out that, particularly during the second half of the twentieth century, ‘international law on the question of self-determination has developed in such a way as to recognise the right of independence to peoples in territories where they did not govern themselves, as well as to peoples placed under foreign yoke, domination and exploitation’ and that ‘a large number of States have been created as a result of the exercise of this right’. However, it noted that there had been other examples of declarations of independence outside this context and that ‘State practice has not raised the question of adopting a new rule of international law to prohibit declarations of independence in such cases’. The Court then turned to the arguments of some States concerning the limits of the scope of the right of self-determination and the assessment of whether or not a right of ‘final secession’ exists (remedial secession - secession as a last resort). Regarding the treatment of the issue based on the “right to secede from a State”, the Court stated that “as can be easily ascertained from the arguments of all the States participating in the trial, this problem falls outside the scope of the assessment of the question posed by the General Assembly”. According to it, in order to answer the question, it is only necessary to determine “whether the declaration violates the general norms of international law established by Security Council resolution 1244 (1999). Where the decision of the International Court of Justice concludes that the general norms of international law do not contain any specific prohibition on the declaration of

¹⁹ Basic constitutional provisions of Kosovo.

²⁰ Basic provisions of the constitution of Kosovo.

independence, therefore “the Declaration of Independence of February 17, 2008 does not violate general international law.”²¹

Conclusions

The research on this topic begins with the basis of a fundamental Principle, that of the Self-Determination of peoples as a whole, which directly calls upon and affects states. The issues of division and unification of states are today the most debated topics in the international arena, the Principle of Self-Determination, which with President Wilson in the 14 points of his program and up to the present day with the case of Kosovo, brings an evolution of this principle. The will of a people to secede from a state or to declare itself independent in the international arena is judged today, case by case, therefore the recent changes in the political map of Europe and not only attribute to them very specific cases, “sui generis”.

Throughout the work, we have relied not only on the history of peoples or states, but also on the foundations of legal doctrine, the most important institutes and, most importantly, on the influence of the principles of international law on the establishment of states and the respect for human rights.

Regarding the case of Kosovo, we can say that it is a “sui generis” case, because starting from the Principle of Self-Determination, it has always sought its independence and declaration as independent in the international arena in historical stages. Its act of self-determination is the Constitution of Kacanik of 1990 where it is not only declared as an independent state but here we will also find the notion of the principle of self-determination as an internal declaration of a people and its request for recognition in the international arena.

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²¹ Zaganjori Xh. (2011), *International jurisprudence and practice*; Published, Tirana: Morava.

Prevalence of physical inactivity and its association with cardiometabolic and cardiovascular conditions in a central region of Albania

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Abstract

Background: Physical inactivity constitutes a significant modifiable risk factor for non-communicable diseases, particularly cardiovascular diseases (CVDs). However, there is a paucity of data regarding its prevalence and cardiovascular implications in the central regions of Albania.

Methods: A quantitative, descriptive cross-sectional study was conducted between February and April 2025 among adults (≥ 18 years) accessing primary health care services in Gramsh, Albania. Data collection was performed through interviewer-administered questionnaires based on the Global Physical Activity Questionnaire. Physical activity was evaluated across occupational, transportation, and recreational domains, quantified in weekly MET-minutes. Activity levels were categorized in accordance with respective guidelines and dichotomized into sufficient and insufficient activity. Socio-demographic, lifestyle, and clinical conditions were also obtained. Associations between physical activity status and cardiovascular and cardiometabolic conditions were assessed using chi-square tests.

Results: The study enrolled 148 individuals (61.5% female; mean age 49.3 ± 15.3 years). The prevalence of physical inactivity was 29.1%, and 12.2% of participants reported a diagnosis of CVDs. Physical inactivity was significantly associated with hypertension ($p = 0.012$), diabetes mellitus ($p = 0.011$), and the presence of cardiovascular diseases ($p = 0.001$). No statistically significant associations were observed between physical activity status and BMI categories or hypercholesterolemia.

Conclusions: Approximately one-third of adults attending primary health care facilities in this central Albanian setting were classified as physically inactive. The observed associations between physical inactivity, cardiovascular diseases, and related cardiometabolic conditions underscore its role as a critical modifiable risk factor and highlight the necessity for tailored physical activity interventions within primary health care frameworks.

Keywords: Physical inactivity; Cardiovascular disease; Primary health care; Risk factors.

Introduction

Physical inactivity is a key determinant for several diseases, particularly cardiovascular diseases (CVDs), with a global prevalence of 31.3% of adults (1,2). Epidemiological evidence indicates that physically inactive individuals have approximately twice the risk of developing CVDs compared to their active counterparts, a magnitude of risk comparable to that of smoking, hypertension, and hypercholesterolemia (3). A 14-day reduction in physical activity caused a transient impairment in endothelial function and cardiometabolic health, which fully reversed after resuming habitual activity, indicating a direct biological link between short-term physical inactivity and cardiovascular risk (4) and subsequent resumption, on metabolic profiles, body composition and cardiovascular (endothelial). In Albania, non-communicable diseases account for 85% of the total disease burden and 94% of all deaths, with physical

inactivity, hypertension, poor diet, and smoking among the main modifiable risk factors (5). The modern sedentary lifestyle, marked by low physical activity and increased stress, is strongly associated with insulin resistance and the growing global burden of diabetes mellitus (6). Similarly, lower levels of physical activity and sedentary behavior have been shown to be associated with a higher prevalence of hypertension, while greater intensity, frequency, and duration of physical activity are inversely associated with hypertension risk (7) but the relationship to different physical activity dimensions within hypertension risk remains to be elucidated.

OBJECTIVE: The objective of this study is to identify the association between physical activity intensity, frequency, duration, and volume with hypertension risk. Meanwhile, a dose-response experiment is conducted to determine the relationship between physical activity level and hypertension risk.

METHODS: Data came from the 2018 China Health and Retirement Longitudinal Study (CHARLS, 2018). The burden of physical inactivity has been assessed on several occasions in Albania, indicating that a substantial proportion of the Albanian population is physically inactive; however, studies examining the association between this risk factor and cardiometabolic and cardiovascular conditions within the context of the Albanian population remain scarce (8,9). Therefore, the aim of this study was to estimate the prevalence of physical inactivity and to examine its association with cardiovascular disease and related risk factors among adult users of primary health care services in a central region of Albania.

Methods

This quantitative, descriptive cross-sectional study was conducted between February and April 2025 among adult users (≥ 18 years) of primary health care services in the municipality of Gramsh, Albania. The study population consisted of individuals residing in Gramsh who accessed primary health care services during the study period. Eligibility criteria included age ≥ 18 years and provision of written informed consent. Participants were consecutively recruited at the point of care until the predetermined sample size was reached. Although the target sample size was 150 individuals, only 148 participants with complete data were retained for the final analysis. Data were collected through interviewer-administered questionnaires using the Global Physical Activity Questionnaire. Physical activity was assessed across three domains (work, transport, and leisure time) by evaluating frequency, duration, and intensity. Total weekly physical activity was calculated in MET-minutes using standardized MET values (4.0 METs for moderate-intensity activities and walking/cycling, and 8.0 METs for vigorous-intensity activities). Physical activity levels were initially classified into low, moderate, and high categories according to respective criteria and subsequently dichotomized into sufficient (moderate/high) and insufficient physical activity (physical inactivity). Socio-demographic variables included age, gender, employment status, marital status, education (years), economic level, and place of residence. Lifestyle-related variables comprised smoking status, alcohol consumption frequency, daily caloric intake, and body mass index (BMI). Clinical variables included self-reported diabetes, hypercholesterolemia,

hypertension, presence of CVDS, and family history of CVDs. Cardiovascular disease status (yes/no) was defined as the main outcome variable in regression analyses. Data were entered and analyzed using Microsoft Excel and SPSS version 25.0. Descriptive statistics were used to summarize baseline characteristics. Associations between physical inactivity and socio-demographic and self-reported clinical conditions were examined using chi-square tests. Statistical significance was set at $p < 0.05$. During the preparation of this work, the authors used ChatGPT 5 version to assist with English editing. All content was reviewed and verified by the authors. All study procedures were conducted in accordance with the Declaration of Helsinki, ensuring confidentiality, voluntary participation, and written informed consent.

Results

Table 1 presents the baseline characteristics of the study population. A total of 148 individuals were included, of whom 61.5% were female and 38.5% were male. The mean age of participants was 49.33 years (SD = 15.26). Most respondents were employed (75.7%), while 9.5% were unemployed and 14.9% were retired. Regarding marital status, 77.0% were married, 14.2% were single, and smaller proportions were divorced (2.7%), widowed (4.7%), or cohabiting (1.4%). The economic level distribution showed that 37.8% of participants were in Level 3, 27.0% in Level 4, 20.3% in Level 5, 14.2% in Level 2, and 0.7% in Level 1. Concerning smoking status, 64.9% reported never smoking, 15.5% were occasional smokers, 12.2% were regular smokers, and 7.4% were former smokers. Alcohol consumption varied, with 55.4% reporting no alcohol use, while 25.7% drank once a month or less, 13.5% consumed alcohol 2–4 times per month, 4.7% consumed alcohol 2–3 times per week, and 0.7% drank four or more times per week. Daily caloric intake was reported as moderate by 89.2% of participants, low by 6.1%, and high by 4.7%. Diabetes was present in 14.2% of the sample, while 85.8% did not report diabetes. Hypercholesterolemia was reported by 37.2% of respondents, and 62.8% reported no history of high cholesterol. Hypertension was present in 37.8% of participants, with 62.2% reporting no hypertension. Regarding physical activity, 29.1% of individuals were classified as physically inactive, 44.6% reported moderate activity, and 26.4% reported high levels of activity. Cardiovascular disease was present in 12.2% of the sample, while 87.8% reported no history of CVD. A family history of cardiovascular disease was present in 54.7% of respondents. The mean years of education were 13.78 (SD = 3.55), and the mean BMI of the study population was 26.17 kg/m² (SD = 3.87). (Table 1)

Table 1: Baseline Characteristics of the Study Population

Variables	Frequency (Percentage) / Mean ± SD
Gender	
Male	57 (38.5)
Female	91 (61.5)
Employment Status	
Employed	112 (75.7)
Unemployed	14 (9.5)

Variables	Frequency (Percentage) / Mean ± SD
Retired	22 (14.9)
Marital Status	
Single	21 (14.2)
Married	114 (77.0)
Divorced	4 (2.7)
Widowed	7 (4.7)
Cohabiting	2 (1.4)
Economic Level	
Level 1	1 (0.7)
Level 2	21 (14.2)
Level 3	56 (37.8)
Level 4	40 (27.0)
Level 5	30 (20.3)
Smoking	
Regular smoker	18 (12.2)
Occasional smoker	23 (15.5)
Never	96 (64.9)
Former smoker	11 (7.4)
Alcohol Consumption	
Never	82 (55.4)
Once a month or less	38 (25.7)
2–4 times per month	20 (13.5)
2–3 times per week	7 (4.7)
4 or more times per week	1 (0.7)
Daily Caloric Intake	
Low	9 (6.1)
Moderate	132 (89.2)
High	7 (4.7)
Diabetes	
Yes	21 (14.2)
No	127 (85.8)
Hypercholesterolemia	
Yes	55 (37.2)
No	93 (62.8)
Hypertension	
Yes	56 (37.8)
No	92 (62.2)

Variables	Frequency (Percentage) / Mean \pm SD
Physical Activity Level	
Physical inactivity	43 (29.1)
Moderate activity	66 (44.6)
High activity	39 (26.4)
Presence of Cardiovascular Disease	
Yes	18 (12.2)
No	130 (87.8)
Family History of Cardiovascular Disease	
Yes	81 (54.7)
No	67 (45.3)
Age (years)	49.33 \pm 15.26
Years of Education	13.78 \pm 3.55
BMI	26.17 \pm 3.87

Table 2 summarizes cardiometabolic and cardiovascular characteristics according to physical activity status. The distribution of BMI categories did not differ significantly between participants with sufficient physical activity and those who were physically inactive ($p=0.823$). Overweight was observed in 47.6% of sufficiently active participants and 51.2% of physically inactive individuals, while obesity was present in 12.4% and 14.0% of the two groups, respectively. Hypertension was significantly more prevalent among physically inactive participants (53.5%) compared with those with sufficient physical activity (31.4%, $p = 0.012$). The prevalence of hypercholesterolemia was comparable between the two groups, being reported in 35.2% of sufficiently active participants and 41.9% of physically inactive individuals ($p = 0.449$). In contrast, diabetes mellitus was more frequent among physically inactive participants (25.6%) than among those with sufficient physical activity (9.5%, $p = 0.011$). Finally, the presence of cardiovascular diseases was markedly higher in physically inactive individuals (25.6%) compared with sufficiently active participants (6.7%, $p = 0.001$). (Table 2)

Table 2. Association between physical activity status and cardiometabolic and cardiovascular characteristics of the study population

Variable	Category	Sufficient pl activity n (%)	Physical inactivity n (%)	p-value*
BMI category	Underweight	1 (1.0)	1 (2.3)	0.823
	Normal weight	41 (39.0)	14 (32.6)	
	Overweight	50 (47.6)	22 (51.2)	
	Obesity	13 (12.4)	6 (14.0)	
Hypertension	Yes	33 (31.4)	23 (53.5)	0.012
	No	72 (68.6)	20 (46.5)	

Variable	Category	Sufficient pl activity n (%)	Physical inactivity n (%)	p-value*
Hypercholesterolemia	Yes	37 (35.2)	18 (41.9)	0.449
	No	68 (64.8)	25 (58.1)	
Diabetes mellitus	Yes	10 (9.5)	11 (25.6)	0.011
	No	95 (90.5)	32 (74.4)	
Cardiovascular diseases (CVDs)	Present	7 (6.7)	11 (25.6)	0.001
	Absent	98 (93.3)	32 (74.4)	

*p-values were calculated using the chi-square test or Fisher's exact test, as appropriate. A p-value <0.05 was considered statistically significant.

Discussion

This study provides evidence that physical inactivity is common among adult primary health care users in a central region of Albania and is associated with a significantly higher burden of cardiometabolic risk factors, including hypertension, diabetes mellitus, and established cardiovascular disease, while body mass index distribution and hypercholesterolemia did not differ significantly by physical activity status. Compared with a previous study conducted in Tirana, which reported a physical inactivity prevalence of 31.6%, the prevalence observed in our study was modestly lower (29.1%), potentially reflecting differences in study period, as the earlier investigation was carried out during the COVID-19 pandemic (8). Although BMI categories differed descriptively according to physical activity level, these differences did not reach statistical significance in our study, in contrast to findings from other population-based studies reporting a significant association (10), possibly due to differences in sample size, population characteristics, and physical activity assessment methods. As for hypertension, physical inactivity was associated with a markedly higher prevalence of elevated blood pressure in the study population. Consistent with our findings, a large population-based study in Brazil reported that lower levels of leisure-time physical activity were associated with a higher prevalence of hypertension, further supporting the inverse relationship between physical activity and blood pressure levels (11). A similar pattern was also observed for diabetes mellitus, with a substantially higher prevalence among physically inactive participants compared with those reporting sufficient physical activity. Consistent with our findings, a population-based cross-sectional study in Spain reported a higher prevalence of low physical activity among individuals with diabetes compared with those with normal glucose regulation, supporting the association between physical inactivity and diabetes at the population level (12).

A similar study based on CHARLS 2018 data reported a comparable prevalence of cardiovascular disease (\approx 11.9%) and demonstrated that physical inactivity was associated with significantly higher odds of CVD (13); consistently, in our study cardiovascular disease was present in 12.2% of the sample, with a markedly higher

burden observed among physically inactive individuals, supporting physical inactivity as an important cardiovascular risk factor across populations. The burden of cardiovascular disease may reflect a complex interplay between physical inactivity and the wider sedentary behaviors embedded in modern living (14). Several limitations should be acknowledged. The cross-sectional design precludes causal inference between physical inactivity and cardiovascular disease, while the use of self-reported data for physical activity and clinical conditions may have introduced recall and reporting bias. In addition, the relatively small sample size and recruitment from a single primary health care center may limit the generalizability of the findings to other regions of Albania.

Conclusion

In this cross-sectional study conducted in a central region of Albania, nearly one-third of adult primary health care users were physically inactive, highlighting a substantial burden of insufficient physical activity. Physical inactivity was significantly associated with the presence of cardiovascular disease, as well as with hypertension and diabetes mellitus, underscoring its relevance as a modifiable cardiovascular risk factor. These findings emphasize the need for targeted public health strategies within primary health care settings to promote physical activity and address cardiovascular risk in adult populations.

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Prisoners' right to dignity

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Abstract

Human dignity is universally acknowledged in democratic societies as a fundamental and inherent value, forming the basis of all human rights and freedoms. Although broad in scope, the right to dignity is expressly recognized and constitutionally protected in most legal systems. Nonetheless, the interpretation and scope of this concept have often generated significant debate among legislators, legal scholars, policymakers, and the public, particularly in contemporary democratic societies. Within this framework, it must be stressed that the right to dignity of persons deprived of liberty, although frequently neglected or inadequately safeguarded, remains equal in status and importance to that of any other individual and must be protected as such, since humanity does not and should not end at the prison's gate. Accordingly, the purpose of this article is to examine the significance of the right to human dignity of persons deprived of liberty, with particular emphasis on the manner in which this right is recognized, interpreted, and safeguarded within the constitutional and legal framework of the Republic of Albania. The analysis seeks to assess both the normative guarantees provided by domestic law and their practical implementation, while also examining the Albanian approach within broader human rights standards and jurisprudence.

Keywords: Prisoner, right, dignity, Albania.

The concept of Dignity

A review of dictionary sources and scholarly literature indicates that the concept of "dignity" is formulated and interpreted in diverse ways by researchers, scholars and even lawyers. This diversity of definitions reflects the multifaceted and evolving nature of dignity, which encompasses moral, philosophical, legal, and social dimensions. As a result, the concept does not lend itself to a single, precise or universally accepted definition. Instead, its meaning often depends on the context in which it is applied, as well as on the disciplinary and normative perspectives adopted by those seeking to define it. In this context, from a historical approach, some researchers have pointed out that in the Antiquity epoch, human dignity was believed to be connected with legal capacity of a person and included two components: dignity of a community member and dignity of a citizen, which lead to affirmation of inherent value of a human being as such independent of their social status. The development of the idea of human dignity from the dignity of a family, dignity of a citizen, as social value, and to the value in itself of a human being was the central trend in the then philosophy.¹

¹ Oksana Hryshchuk, Human dignity as the basis of fundamental human rights in the context of European integration, TeKa Commission of Legal Sciences Polish Academy of Sciences Branch in Lublin, XI (2018), nr 2, 131–139.

Later on, with the introduction of the Roman legal principles, even though they did not explicitly articulate the modern concept of human dignity, though notions such as *dignitas*, *auctoritas*, and *ius naturale*, they established early foundations for the recognition of inherent human worth and legal protection of persons.² Meanwhile, from a philosophical/anthropological approach, others have considered human dignity as the knowledge/awareness of the value of the human species. According to them, this knowledge makes necessary for all those who possess it, to treat all human beings, whatever their other natural and contingent specificities might be, in accordance with this value, even those who ignore it, since this knowledge helps an individual become conscious of being first of all a human being and become aware of his or her human identity.³ From a legal perspective, dignity is regarded as a supreme and inviolable value of human life, serving as a fundamental expression of human essence and as one of the core principles upon which a democratic state is built and functions.⁴

It should be noted that The Hippocratic Oath (5th century BCE) is often regarded as one of the earliest written ethical texts that implicitly reflects concern for what we would today describe as human dignity, particularly in the context of medical practice. The oath emphasizes respect for the patient, the obligation to do no harm, confidentiality, and ethical restraint, principles that resonate with modern notions of dignity. This notion was later elaborated by Immanuel Kant, who introduced the concept of a moral duty to treat others with care and respect, thereby reinforcing the philosophical foundations of human dignity. Meanwhile, in the realm of human rights, human dignity has been recognized since early in the Preamble of the Universal Declaration of Human Rights of 1948 and later on in the European Charter of Human Rights of 2000, which clearly recognizes and guarantees the respect of such right. While there is no reference to human dignity in the European Convention of Human Rights (ECHR),⁵ this has not prevented the Strasbourg Court from invoking the concept, notably with respect to Article 3 of ECHR and, in many cases, with regard to prisoners' rights.

By establishing that every human being possesses intrinsic value, independent of social status, circumstance, or cultural context, these acts set the stage for the gradual integration of human dignity into formal legal systems, ultimately informing its recognition as a fundamental right across societies. Thus, over the centuries, the moral foundation of human dignity gradually informed emerging legal systems and since then the concept of human dignity has evolved into a universally recognized principle and a common "lingua franca".⁶ This evolution underscores not only the enduring relevance of human dignity but also its capacity to unify diverse legal and cultural traditions around the principle that every individual possesses inherent and

² Digest 1.1.10; Cicero De Officiis I.7; A M Honoré, *The Roman Law of Persons*, Oxford University Press, (1965) 34–37.

³ Ioanna Kuçuradi, *The concept of human dignity and its implications for human rights*, *BIOETHICS UPdate*, 5 (2019), 7–13.

⁴ Arta Vorpsi, *Human Dignity in Albania*. In: Becchi, P., Mathis, K. (eds) *Handbook of Human Dignity in Europe*. Springer International Publishing, (2018), 2.

⁵ The concept has been introduced in the Preamble of the Additional Protocol no. 13 to The European Convention of Human Rights with regard to the abolition of death penalty.

⁶ Veronika Fikfak, Lora Izvorova, *Language and Persuasion: Human Dignity at the European Court of Human Rights*, *Human Rights Law Review*, Vol. 22, Iss. 3, September 2022;

inalienable worth.

Prisoners' rights

The provision of rights and humane conditions for prisoners has been a historically challenging issue. Jurists regularly suggest that early prisoners were considered "slaves of the State" who lacked the opportunity to seek redress in court.⁷ Until the Middle Ages, the treatment of persons deprived of liberty was harsh and arbitrary. Prisoners were frequently executed summarily, with little or no regard for procedural fairness, and the notion of a fair trial was largely absent from the adjudication of their cases. Legal safeguards that we today associate with the fair trial, were virtually nonexistent. Moreover, conditions within detention facilities were generally inhumane, with prisoners being subjected to neglect and abuse.

In 1955 the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva adopted The Standard Minimum Rules for the Treatment of Prisoners, which was later ratified by the Economic and Social Council by its resolutions of 1957 and of 1977. Although the Minimum Rules for the Treatment of Prisoners wasn't meant to set out parameters for the model prison, it did set out best practices for the treatment of prisoners and the running and management of penal institutions.⁸ In January 2006, the Committee of Ministers of the Council of Europe adopted Recommendation Rec(2006)2 on the European Prison Rules, which superseded Recommendation R (87)3 of 1987 and introduced enhanced safeguards for persons deprived of liberty, including stronger protections for humane conditions, respect for human dignity, access to healthcare, opportunities for rehabilitation, and procedural guarantees.⁹

In this regard, it must be noted that, while the objective of the criminal codes is quite evident, and the objective of the criminal procedural legislation to carry through the objective of the criminal codes in a fair way, the objective of punishment is to deter. Throughout different historical periods, in response to evolving societal concerns arising from the development and transformation of criminality and of criminal offences, legislators have intervened in criminal legislation by both introducing new criminal offences and amending the ranges of criminal sanctions, progressively establishing and clarifying a series of rights and freedoms afforded to persons deprived of liberty. Such actions by the legislature are not aimed solely at reducing crime rates or strengthening punitive responses, but also seek to serve broader objectives of crime prevention and social protection. Simultaneously, they reflect an increasing recognition of the necessity to ensure humane treatment and to safeguard the dignity of prisoners, acknowledging that the enforcement of criminal sanctions must be compatible with fundamental human rights and democratic values.¹⁰ The

⁷ Wynne Muscatine Graham, *The Forgotten History of Prison Law: Judicial Oversight of Detention Facilities in the Nation's Early Years*, *Harvard Law Review*, Vol. 138, Iss. 7, 1715.

⁸ Liam Leonard, Cristine O'Cain, *Prisoner's Rights*, *Encyclopedia of Criminal Justice Ethics*, < https://sk.sagepub.com/ency/edvol/encyclopedia-of-criminal-justice-ethics/chpt/prisoner-rights#_>, accessed 15.01.2026.

⁹ Committee of Ministers of the Council of Europe, *Recommendation Rec(2006)2 on the European Prison Rules (Adopted 11 January 2006)*, <<https://rm.coe.int/168007c12b>>, accessed 15.01.2026.

¹⁰ Constitutional Court of Albania, Decision no. 9 of 29.02.2016.

rationale behind it is that, while imprisonment restricts liberty, it does not strip individuals of their fundamental human rights. Persons deprived of liberty continue to enjoy fundamental guarantees awarded to them by their nature, as human beings, which can only be limited in accordance with the principle of proportionality and must follow a legitimate aim.

The protection of prisoners' right to human dignity has received particular attention from the European Court of Human Rights (ECtHR/the Court), which over the years has consistently emphasized the fundamental importance of this right. Through its case law, the Court has interpreted Article 3 of the European Convention on Human Rights (ECHR) prohibiting torture and inhuman or degrading treatment or punishment, as a key instrument for safeguarding the dignity of individuals deprived of their liberty. The Court has underscored that respect for human dignity requires not only the absence of overt physical abuse but also the prevention of conditions or treatment that undermine a prisoner's moral and psychological integrity, such as overcrowding, inadequate medical care, or humiliating disciplinary practices. By articulating rigorous standards for detention conditions and the treatment of prisoners, ECtHR has effectively established dignity as a cornerstone of human rights protection in the penitentiary context, reinforcing the principle that the inherent worth of every individual must be upheld even in situations of confinement.

Caselaw of the European Courts of Human Rights on prisoner's rights

The ECHR does not distinguish in terms of the protection afforded between individuals detained pending trial and those deprived of liberty following a final criminal conviction. The guarantees enshrined in the Convention apply to all persons under the jurisdiction of the Contracting States, regardless of the legal basis or procedural stage of their detention. Accordingly, both pre-trial detainees and convicted prisoners remain entitled to the full protection of fundamental rights provided by the Convention, subject only to such restrictions which are inherent in lawful detention and strictly necessary for legitimate purposes. Even the imposition of a life sentence does not absolve State authorities of their obligations under Article 3 of the Convention.¹¹ Hence, deprivation of liberty does not diminish an individual's dignity or his entitlement to humane treatment and fundamental rights.

The right to humane treatment is protected by Article 3 of the ECHR and includes its substantive aspect (criminalization of torture and inhuman or degrading treatment at the national level, as well as measures to ensure compliance with such provisions), as well as the procedural aspect (investigation and adjudication of said offences). According to the ECtHR, Article 3 of ECHR prohibits in absolute terms torture and inhuman or degrading punishment or treatment, irrespective of the circumstances and the conduct of the individual concerned. However, for it to be applicable, the ill-treatment must attain a minimum level of severity and the assessment of this minimum is relative. It depends on all the circumstances of the case, such as the duration of the treatment, its physical and mental effects and, in some cases, the sex, age and state of health of the victim.

The Court has considered treatment to be "inhuman" when, *inter alia*, it was

¹¹ Dybeku v Albania, Application no. 41153/06, 18 December 2007, § 47.

premeditated, was applied for hours at a stretch and caused either actual bodily injury or intense physical and mental suffering.¹² Meanwhile, in order for treatment to be regarded as “degrading”, suffering or humiliation involved must attain a level exceeding the inevitable element of suffering or humiliation connected with a given form of legitimate treatment, including deprivation of liberty. Treatment has been considered “degrading” within the meaning of Article 3 where it is such as to arouse in the victim’s feelings of fear, anguish and inferiority capable of humiliating and debasing them and possibly breaking their physical or moral resistance. The Court has emphasized that the absence of an intention to humiliate does not preclude a finding of a violation of Article 3, and that the public nature of the treatment may constitute an aggravating factor in assessing whether it is “degrading” within the meaning of Article 3. For instance, beating of such severity that the applicant has to be carried to the court room by police officers is capable of arousing in him feelings of fear and anxiety likely to humiliate and debase him and break his physical or moral resistance. When done with the purpose of extracting a confession, such conduct is considered torture and, as such, in violation of Article 3 of the ECtHR.¹³

One of the earliest cases in which the ECtHR addressed the protection of human dignity was *Ireland v. the United Kingdom*,¹⁴ which concerned interrogation techniques used by United Kingdom authorities in Northern Ireland, such as wall-standing (forcing detainees to remain in stress positions for prolonged periods), hooding (keeping a bag over detainees’ heads at all times except during interrogation), exposure to continuous loud noise, deprivation of sleep, deprivation of food and drink and physical violence. Although the Court did not itself elaborate the concept of “human dignity”, instead it characterized the methods in question as “inhuman treatment” on the ground that they were capable of arousing in victims’ feelings of fear, anguish, and inferiority sufficient to humiliate and debase the and potentially to break their physical and moral resistance, the notion was addressed in the separate opinion of Judge Sir Gerald Fitzmaurice. Drawing on definitions of the terms “barbarous,” “savage,” “brutal,” and “cruel” from the *Shorter Oxford Dictionary*, the *Random House Dictionary of the English Language*, *Webster’s Third International Dictionary*, and Professor Garmonsway’s *Penguin English Dictionary*, he explained that the concepts of “degrading” and “degraded” signify being reduced to a lower grade, rank, position, or status. In the relevant context, the dictionaries defined these terms as meaning “to lower in estimation, character, or quality,” or “to lower in dignity or estimation; to bring into contempt.” Other descriptions included “to debase” and “to humiliate.” Hence, according to the opinion judge, the notions at issue meant humiliation, loss of esteem, bringing into contempt, and debasement, presumably from one’s status as a human being. They referred to conduct that was seriously humiliating or disparaging and that lowered a person’s human dignity. Examples of such treatment included acts intended to cause personal humiliation or ridicule, such as shaving a person’s head, tarring and feathering, smearing with filth, pelting with refuse, parading an individual naked before strangers, forcing the consumption of excreta, defacement of the portrait of one’s sovereign or head of State, wearing of attire calculated to provoke ridicule

¹² Kaçiu and Kotorri v. Albania, Apps. no 33192/07 and 33194/07, 25.06.2013, § 89.

¹³ Ibid, § 98.

¹⁴ Application no. 5310/71, 18 January 1978.

or contempt, as well as practices such as deprivation of sleep and food for limited periods, exposure to continuous noise, or even hooding. The Court found that the techniques used amounted to inhuman and degrading treatment, but not torture.

According to ECtHR, requirements of criminal investigations, including those related to combating terrorism, also cannot justify restrictions on the protection afforded to physical integrity under Article 3 of ECHR. Hence, any form of corporal punishment inflicted on a detainee, including blows, will constitute inhuman and degrading treatment. Interestingly, in his concurring opinion judge De Meyer went further, accepting that any use of physical force in respect of a person deprived of his liberty which is not made strictly necessary as a result of his own conduct violates human dignity and must be regarded as a breach of the right guaranteed under Article 3 of the Convention, even if the violence consists only of “slaps or blows of the hand to the head or face”.¹⁵ Such reasoning aligns with the Court’s position in *Ceka v. Albania*,¹⁶ where it held that hard slapping of an inmate on the face and neck amounted to treatment in violation of Article 3, even though the Court did not specify whether such conduct was to be considered “inhuman” or “degrading” treatment.

The ECtHR has also examined the practice of placing defendants in metal cages during court proceedings. While acknowledging that security considerations may, in exceptional cases, justify restrictive measures, the Court has consistently viewed such confinement as “harsh” and “degrading” treatment. However, it has acknowledged that such measures may be justified on security grounds in specific cases, considering the personality of the applicant, the nature of the alleged offences, the applicant’s criminal record, behavior, or other evidence indicating a risk to courtroom security or a risk of escape. The presence of the public and media coverage of the proceedings are also factors that are taken into consideration in the assessment of such cases.¹⁷

While taking into account Court’s previous standing in cases where use of cages was accepted due to serious grounds to believe that the applicant posed a risk to order and security in the courtroom, could resort to violence or attempt to abscond, faced a risk to its own safety, or where additional factors such as public attendance or media coverage were relevant, the Grand Chamber of ECtHR observed that confining detainees in a cage during hearings caused anxiety and distress, amounting to inhuman and degrading treatment. It further noted that it was not its role to determine courtroom architecture or specify which physical restraint measures may be necessary, while reaffirming that maintaining order and security in the courtroom is of considerable importance and may be necessary for the proper administration of justice. It also emphasized that, in safeguarding courtroom order and security, authorities must not implement measures whose severity is incompatible with Article 3, as was found to be the case in the proceedings at issue.¹⁸

Meanwhile, with regard to coercive security measures such as handcuffing, ECtHR has considered that generally these do not raise an issue under Article 3 of the

¹⁵ *Tomasi v. France*, Application no. 12850/87, 27 August 1992.

¹⁶ Application no. 26872/05, 23 October 2012, §§ 5, 37.

¹⁷ *Raninen v. Finland*, Application no. 20972/92, 16 December 1997, § 56; *Öcalan v. Turkey* [GC], Application no. 46221/99, 10 May 2005, § 182; *Gorodnitchev v. Russia*, Application no. 52058/99, §§ 101, 102, 105 and 108, 24 May 2007; *Miroslaw Garlicki v. Poland*, Application no. 36921/07, 14 June 2011, §§ 73-75; *Svinarenko and Slyadnev v. Russia*, Application nos 32541/08 and 43441/08, 17 July 2014, § 117.

¹⁸ *Svinarenko and Slyadnev v. Russia*, Applications 32541/08 and 43441/08, 17 July 2014.

Convention when applied during lawful detention and when they do not involve the use of force or public exposure beyond what is reasonably necessary in the circumstances of the case. In this context, the Court has accepted that relevant factors to be considered include the risk of escape, resistance, violence, or interference with evidence.¹⁹ Nevertheless, application of handcuffs or shackles on an ill or otherwise weak person has been regarded disproportionate to the requirements of security and an unjustifiable humiliation, whether or not intentional.²⁰

Cell sizes and conditions have also been brought to the attention of the ECtHR. Although the Court has not determined the specific number of square meters that should be allocated to a detainee in order to comply with the Convention, it has held that the requirement of 3m² of space per detainee (including space occupied by furniture but not that occupied by toilets) in a collective cell should remain the relevant minimum standard for the purposes of assessing detention conditions in relation to Article 3 of the Convention.²¹ Moreover, the Court has held that the practice of compelling detainees to sleep on the floor or to take turns to sleep also constitutes inhuman treatment, as it significantly exacerbates discomfort and poses a tangible risk to both physical and mental health.²² This standing reflects the Court's recognition that sufficient personal space is essential to safeguarding the dignity, physical integrity, and psychological well-being of individuals deprived of their liberty.

Furthermore, the ECtHR has extensively examined the State's obligations under Article 3 of the ECHR in the context of medical care provided to detainees. According to the Court, Article 3 imposes a positive obligation on States to ensure that detainees are held in conditions compatible with respect for human dignity, which includes the provision of adequate physical medical care²³ as well as mental health care²⁴, since lack of adequate medical treatment in prison will amount to ill-treatment, in violation of Article 3 of the ECHR.

The Court has accepted that the "adequacy" of medical assistance remains the most difficult element to determine, since the mere fact that a detainee has been seen by a doctor and prescribed a certain form of treatment does not mean that the medical assistance was adequate. In this regard, authorities must ensure accurate diagnosis, prompt and appropriate treatment, comprehensive medical records, as well as regular supervision of the medical treatment, where required. They must also show that the necessary conditions were created for the prescribed treatment to be actually followed through. Furthermore, while medical treatment provided within prison facilities must be adequate, that is, at a level comparable to that which the State authorities undertake to provide to the general population, Article 3 does not guarantee access the same level of medical treatment available in the best health establishments outside

¹⁹ *Svinarenko and Slyadnev v. Russia* [GC], 17 July 2014, § 117.

²⁰ *Korneykova and Korneykov v. Ukraine*, 24 March 2016, § 111.

²¹ *Muršić v. Croatia* [GC], 20 October 2016, §§ 136-141; *Lautaru and Seed v. Greece*, no. 29760/15, 23 July 2020, § 51; *Ananyev and Others v. Russia*, 10 January 2012, § 146.

²² *Ibid.*

²³ *Alimuçaj v Albania*, Application no. 20134/05, 07 February 2012, §§ 65, 30-136.

²⁴ *Groni v Albania*, Application no. 25336/04, 7 July 2009, §§ 117; *Strazimiri v. Albania*, Application no. 34602/16, 21 January 2020, §§ 97-102; *Dybeku v. Albania*, Application no. 41153/06, 18 December 2007, §§ 7, 13, 31, 52-53.

prison facilities.²⁵

In exceptional cases, where the state of a detainee's health is absolutely incompatible with detention, Article 3 may require release under certain conditions or alternative measures. The Court assesses such cases by reference to the detainee's medical condition, the adequacy of care provided in detention, and the advisability of maintaining detention in light of the individual's health. While Article 3 does not impose a general obligation to release detainees on health grounds, it does require States to safeguard their physical and mental well-being. If the authorities decide to place and maintain a seriously ill person in detention, they should demonstrate special care in guaranteeing such conditions of detention that corresponded to his special needs resulting from his disability. Prolonged lack of specialized treatment, the authorities' disregard of consistent medical recommendations, and delays in transferring the detainee to a civilian hospital are considered factors that cause significant physical and mental suffering. Taken cumulatively, these shortcomings amount to degrading treatment within the meaning of Article 3.²⁶

Finally, the Court has recognized that hygiene and sanitary conditions form also an integral part of humane detention. In this context, lack of access to adequate toilet facilities, insufficient opportunities for personal hygiene (such as short shower time, showering no more than once every ten days or fifteen to twenty minutes once a week), and infestations by insects or rodents may, taken individually or cumulatively, amount to degrading treatment.²⁷ Deficiencies in medical care relating to eyesight,²⁸ dental treatment²⁹ or orthopaedic needs³⁰ have likewise been found capable of violating Article 3. This evolving jurisprudence reflects the Court's increasingly comprehensive understanding of the State's obligation to preserve human dignity and prevent unnecessary suffering in detention, extending beyond life-threatening conditions.

Protection of prisoner's dignity in Albania

The Albanian Constitution establishes respect for and protection of human dignity as a foundational principle of the constitutional order. The Preamble expressly affirms human dignity as a core value underpinning the State, while Article 3 enshrines it as an inviolable right guaranteed to all individuals without discrimination. In the specific context of deprivation of liberty, the Constitution provides enhanced safeguards. Article 25 prohibits torture and cruel, inhuman, or degrading punishment or treatment, and Article 28(5) guarantees humane treatment and respect for the dignity of persons held in pre-trial detention or serving a custodial sentence pursuant to a court order. These domestic guarantees are further reinforced by Article 122, which incorporates ratified international agreements into the internal legal order

²⁵ *Strazimiri v. Albania*, Application no. 34602/16, 21 January 2020, § 103; *Blokhin v. Russia* [GCH], Application no. 47152/06, 23 March 2016, § 137.

²⁶ *Ibid.*, §§ 124-127, 132-133.

²⁷ *Ananyev and Others v. Russia*, 10 January 2012, § 156-159.

²⁸ *Slyusarev v. Russia*, Application no. 60333/00, 20 April 2010, §§ 34-44.

²⁹ *V.D. v. Romania*, Application no. 7078/02, 16 February 2006, §§ 93-100.

³⁰ *Vladimir Vasilyev v. Russia*, Application no. 28370/05, 10 January 2012, §§ 67-68

and renders them directly applicable. In conjunction with Article 17, which prohibits limitations on fundamental rights that infringe their essence or exceed those permitted under the European Convention on Human Rights (ECHR), the Constitution accords particular normative weight to the Convention. Taken together, these provisions reflect a constitutional commitment to ensuring that deprivation of liberty does not entail the forfeiture of fundamental rights and align domestic standards with Albania's international human rights obligations, particularly those arising under Article 3 of the ECHR.

Within this constitutional framework, the Constitutional Court of Albania (CCA) has played a central role in shaping the protection of detainees' rights. In 1999, CCA abolished the death penalty, holding that it constituted inhuman and degrading treatment and was incompatible with the objectives of criminal law. Subsequently, in a 2004 decision, the CCA elaborated on the constitutional concept of torture under Article 25 in light of Articles 86 and 87 of the Albanian Criminal Code, which criminalized torture and torture resulting in grave consequences. Drawing upon Article 5 of the Universal Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights, and Article 3 of the ECHR, the CCA clarified that the prohibition of torture aims to protect individuals not only from abuses committed by state agents, but also from ill-treatment perpetrated by private persons. It emphasized that international human rights law links the absolute prohibition of torture and ill-treatment with the State's positive obligation to provide effective protection through legislative, administrative, and practical measures. According to CCA, The underlying purpose of these norms, the Court stressed, is the protection of human dignity and the physical and mental integrity of every individual. Accordingly, States are required to ensure protection against prohibited acts "whether committed by individuals acting in an official capacity, outside such capacity, or in a private capacity."³¹

The CCA's jurisprudence has further clarified the scope of these obligations in the context of detention, holding that the use of violence by police officers against a detainee for the purpose of extracting information constitutes torture and inhuman and degrading treatment.³² Referring to the former law no. 8328 of 16 April 1998 on the rights and treatment of prisoners, as well as the General Prison Regulations, the Court underscored the obligation of custodial authorities to take preventive measures to ensure that detainees do not harm themselves or others. In cases involving allegations of abuse or self-injury, the authorities responsible for detention must provide a coherent and convincing explanation of the circumstances, and a thorough investigation is required to determine whether force was unlawfully used by law enforcement personnel.³³ The CCA has also addressed issues relating to detainees' health, finding that the lack of essential medical supplies and the failure to comply with interim measures indicated by the ECHR constitute a breach of the State's obligation to ensure adequate healthcare, amounting to inhuman and degrading treatment.³⁴ Moreover, it has accepted that the extradition of a detainee in a persistent vegetative

³¹ Judgment no.3 of 11.02.2004.

³² Judgment no. 14 of 03.05.2011.

³³ Judgment no. 14 of 03.05.2011.

³⁴ Judgment no. 89 of 30.12.2016.

state may likewise violate the prohibition of inhuman and degrading treatment.³⁵ In this regard, dissenting opinions within the CCA have further articulated the heightened nature of the State's obligations toward persons deprived of liberty. In cases concerning the rejection of claims related to inadequate healthcare in detention, dissenting judges emphasized that the State's duty to provide medical care is not limited to a social objective under Article 59 of the Constitution but also derives from Article 55, which guarantees equal enjoyment of the right to healthcare. From this perspective, they argued that the State bears an enhanced responsibility toward detainees, whose liberty is restricted and who are entirely dependent on State institutions for medical assistance. Consistent with the Court's broader case-law, public authorities are required to demonstrate heightened diligence in ensuring respect for the constitutional rights of this category of individuals. This rationale underpins the specific guarantees laid down in Articles 27 and 28 of the Constitution, which reaffirm that every person deprived of liberty is entitled to humane treatment and respect for human dignity.³⁶

At the statutory level, prisoners' rights are regulated by law no. 81/2020 of 25 June 2020 "On the rights and treatment of individuals sentenced to imprisonment or held in pre-trial detention," which repealed the earlier law no. 8328 of 16 April 1998. The new law introduced a more comprehensive catalogue of rights and guarantees, reflecting both constitutional requirements and international human rights standards. Its enactment was motivated by the need to ensure the effective implementation of existing legal obligations and to strengthen compliance with Albania's international commitments concerning the humane treatment of persons deprived of liberty. Notably, the law incorporates specific provisions on differentiated and individualized treatment for vulnerable groups, including minors, women, and prisoners who have experienced psychological, physical, or sexual violence. These measures are designed to address their particular needs, with the overarching aim of promoting recovery, social reintegration, and rehabilitation. The law also responds to broader structural challenges within the Albanian penitentiary system, seeking to develop a sustainable and context-sensitive strategy that includes specialized programs to enhance employment opportunities and social reintegration, tailored to the conditions of individual institutions.³⁷

At the sub-statutory level, prisoners' rights are also protected by the General Prisons' Regulation, which establishes a comprehensive framework for the protection of prisoners' rights, grounded in the principles of human dignity, proportionality, and social reintegration. Such framework affirms that conditions of detention which violate human rights cannot be justified by a lack of resources and that life in penitentiary institutions should be aligned, as closely as possible, with life in the community. The management of imprisonment is expressly oriented toward facilitating the social reintegration of persons deprived of liberty, while ensuring that prisoners are adequately informed, in a language they understand, of institutional rules, discipline, and their rights and obligations. The Regulation further provides that any restriction

³⁵ Judgement no. 32 of 10.07.2013.

³⁶ Judgement no. 40 of 14.05.2024.

³⁷ Explanatory Report to the draft law no. 81/2020.

of prisoners' rights must be limited to the minimum necessary, pursue a legitimate aim, and be applied in accordance with the law, with enhanced security measures permitted only in exceptional circumstances. It also recognizes that special measures adopted to protect the rights of vulnerable groups do not constitute discrimination, that disciplinary sanctions are to be applied solely as a measure of last resort and in compliance with the principle *ne bis in idem*, and that penitentiary institutions must operate within an ethical framework guaranteeing humane treatment and respect for dignity. Finally, it underscores the importance of appropriate recruitment, training, and working conditions for prison staff as a prerequisite for the effective implementation of high standards of care and treatment of prisoners.³⁸

Nevertheless, it must also be stressed that independent oversight has continued to reveal significant challenges in practice. In 2024, the People's Advocate of Albania conducted systematic monitoring of conditions and treatment in penitentiary institutions and issued numerous recommendations aimed at remedying deficiencies and safeguarding the rights of persons deprived of liberty. A key finding concerned the urgent need for preventive measures to reduce incidents of self-harm and suicide attempts, particularly in facilities such as Reç Prison, highlighting persistent shortcomings in mental health support and custodial safety. The report documented widespread substandard living conditions and inadequate treatment across several institutions, leading to targeted recommendations for urgent improvements in facilities in Pojskë, Berat, Burrel, Drenovë, Elbasan, Fier, Kukës, Lushnje, Tirana (Mine Peza and Jordan Misja), Reç (Malësi e Madhe), Tepelenë, Vlorë, and the juvenile institution in Kavajë. It also identified delays and deficiencies in healthcare provision, a lack of meaningful activities, and allegations of violence by custodial staff, prompting administrative investigations and interventions by the National Mechanism for the Prevention of Torture.

Overall, the findings and recommendations of the People's Advocate pointed to systemic deficiencies within the Albanian prison system that undermine detainees' rights and dignity. They called for investigations into alleged violations, accountability for responsible personnel and improvements in medical care and detainee classification within appropriate healthcare regimes. While these observations underscore persistent structural challenges, ranging from infrastructural shortcomings and gaps in medical and mental healthcare to procedural violations and insufficient preventive and rehabilitative measures, they also reflected ongoing institutional efforts to align custodial practices with constitutional and international human rights standards. They also reflect the ongoing legislative and practical efforts taken by Albania in the road to a broader understanding of the concept of human dignity in prison extending beyond physical integrity, as well as highlighting the need for more robust implementation of recommendations, increased resources and comprehensive systemic reform.

Conclusions

Human dignity constitutes a fundamental and inviolable principle within the realm of human rights protection, which retains full relevance in the context of deprivation

³⁸ Article 2 of General Prisons' Regulation.

of liberty. Imprisonment, while lawfully restricting personal freedom, does not extinguish State's obligation to respect and safeguard fundamental rights. At the international level, the jurisprudence of the ECtHR has been instrumental in giving concrete legal content to the concept of dignity under Article 3 of the ECHR. Through its case-law, the Court has consistently affirmed that humane treatment of prisoners requires not only the absence of physical abuse, but also detention conditions and healthcare arrangements that preserve physical and psychological integrity. Within the Albanian legal order, the Constitution provides strong normative protection of human dignity, reinforced by the direct applicability of international human rights instruments. Protection of human dignity in detention has also been emphasized by the case-law of the Constitutional Court of Albania. Furthermore, the adoption of law no. 81/2020 reflects a growing alignment with European standards, particularly with regard to the State's positive obligations toward persons deprived of liberty. Regardless of such protection, findings by the People's Advocate reveal persistent shortcomings in practice, including inadequate detention conditions, deficiencies in healthcare and insufficient preventive measures. These challenges highlight the continuing gap between legal guarantees and their effective implementation. Ensuring respect for prisoners' dignity therefore requires not only robust legal frameworks, but also sustained institutional commitment, adequate resources, and effective oversight to translate normative standards into practical protection.

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The impact of the criminal liability of commercial companies on the wealth of the legal community

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Abstract

The amendments to the Family Code brought innovations regarding matrimonial property regimes, the composition of the legal community as well as the rules of its administration. Among other things, the legal community consists of the commercial activity created during the marriage. In case the commercial activity before the marriage belonged to only one of the spouses, but during the marriage it is managed by both spouses, the partnership includes only profits and increased production. In this article, I will address the impact that the criminal liability of the legal entity has on the wealth of the legal community.

The criminal liability of the legal entity is a concept that has developed significantly over the last two centuries, reflecting the economic, social and political changes that have affected global legal systems. In the Common Law system, until the nineteenth century, criminal liability for legal entities was not explicitly sanctioned. But it was subsequently seen as important to tackle criminal actions committed by corporations through individuals, ensuring that these entities also bear responsibility for violations. The spread of criminality of commercial companies highlighted the insufficiency of classic means in relation to the subjects of the criminal offense. In Albania, the concept of criminal liability for legal entities has later entered the legal framework, based mainly on the provisions of the Criminal Code and the law no. 9754/2007. This legislation aims to ensure that commercial companies and organizations are held liable for harmful actions of the legal entity, when they are carried out in its name or for its benefit. Law 9754 dated 14.06.2007 "On the criminal responsibility of legal persons" has defined the rules for criminal liability, criminal proceedings and types of punitive measures taken against legal persons, for committing a criminal offense, also this law is also applied to foreign legal persons, which have acquired legal personality, according to the Albanian legislation. Also, what we will address is the fact of how criminal responsibility will be divided when one of the spouses is both an administrator and a partner of the company.

Keywords: criminal liability of the legal entity, legal community, Family Code, profit, increase in production.

I. Introduction

Marital property regimes are an important element in family legal treatments. With the entry into force of the law no. 7850, dated 29.07.1994 "Civil Code", in order to reflect the changes under a completely different situation of economic relations, in relation to the institution of co-ownership, the relevant norms were defined in the second part of this Code, directly regulating the types of co-ownership, specifically the co-ownership in parts, as well as the co-ownership in the whole, in its two forms:

compulsory co-ownership and co-ownership between members of the agricultural family, while co-ownership between spouses, although it constitutes a legal relationship of a property character, did not find regulation in the provisions of this Code, delegating its regulation to the provisions of the Family Code (Article 231 of the Civil Code). Due to the simultaneous disapproval of this Code, in relation to the new family legislation, in the transitional provisions of Law No. 7850, dated 29.07.1994, in Article 1167, it was provided for the continuation of the implementation of the provisions on co-ownership between spouses, provided for in Law No. 6340, dated 26.06.1981 "On the Civil Code".¹

With the entry into force of the law no. 9062, dated 08.05.2003 "Family Code", the normative legal framework regarding marital property regimes, provisions included in articles 66 – 122 of this Code, was completely completed. The matrimonial property regime of the spouses is regulated by law, in the absence of a special agreement, where the spouses provide for the regime they want, which should not contradict the provisions of this Code and the relevant legislation.²

The matrimonial property regime of the legal community applies when the spouses have not entered into a contract for another matrimonial property regime.

The community consists of: the property acquired by both spouses, jointly or separately, during the marriage, the income from the separate activity of each spouse during the marriage, if it has not been consumed until the end of the co-ownership, the fruits of the property of each spouse, which have been taken and have not been consumed until the end of the co-ownership, commercial activity established during the marriage. In case the commercial activity before the marriage belonged to only one of the spouses, but during the marriage it is managed by both spouses, the partnership includes only profits and increased production.³

The property created during the marriage, intended for the administration of the commercial activity of one of the spouses and the additions to its production are subject to co-ownership only if they exist as such at the moment of the end of the marriage.⁴

In the Albanian reality in general, the most widespread is the property regime of the legal community, in this paper we will pay more attention to the treatment of the topic in the background of the action of this legal community, the impact that this property regime has on the criminal punishment of the legal entity, with which the spouses have an inevitable relationship.

So, one of the assets created during the marriage that is part of the legal community is the commercial activity.

A legal person is liable for criminal offences committed in its name or for its benefit, by its bodies and representatives, in its name or for its benefit, by a person, who is under the authority of the person who represents, directs and administers the legal person, in its name or for its benefit, due to the lack of control or supervision by the person who leads, represents and administers the legal entity.⁵ A body and

¹ Look up decision no. Decision no.800(154), 16.05.2023.

² Look up decision no. Decision no.800(154), 16.05.2023.

³ Article 74 of the Family Code.

⁴ Article 75 of the Family Code.

⁵ Article 3 of Law 9754 dated 14.06.2007 "On the criminal liability of legal persons".

representative of a legal person, acting in the name or for the benefit of a legal person, is any natural person, who, according to the law or acts of the legal person, is charged with representing, directing, administering or controlling the field of activity of the legal person and its structures.⁶

II. Definition of legal entity

The Law “On the Criminal Liability of Legal Persons” does not provide a definition for legal persons, within the meaning of this Law. If we refer to the Civil Code of the Republic of Albania, there is no clear definition on the legal entity. The Code divides legal entities into private and public. Public legal entities are state institutions and enterprises, which are financed by themselves or from the state budget, as well as other public entities recognized by law as legal entities. Private legal entities are companies, associations, foundations and other entities of private character, which acquire legal personality in the manner determined by law.⁷

The Criminal Code with Law 9275, dated 16.9.2004, has recognized the legal person with the exception of state institutions as the subject of the criminal offense, which are criminally liable for criminal offenses, committed in their name or for their benefit by their bodies or representatives.

The criminal liability of legal persons does not exclude that of natural persons, who have committed or are accomplices in committing the same criminal offenses.⁸

Meanwhile, the criminal offenses and the relevant punitive measures, which are applied to legal persons, as well as the procedure for their establishment and execution, are regulated by Law 9754 dated 14.06.2007 “On the criminal liability of legal persons”.

III. The criminal liability of the legal entity, the types of penalties and the impact on the marital property

A legal person is liable for criminal offences committed in its name or for its benefit, by its bodies and representatives, in its name or for its benefit, by a person, who is under the authority of the person who represents, directs and administers the legal person, in its name or for its benefit, due to the lack of control or supervision by the person who leads, represents and administers the legal entity.⁹

Thus, for the criminal offense to have been committed “in the name” of the legal entity, it is not enough only to prove that a natural person from the structure of the legal entity has committed the criminal offense, but it must be proved that in the present case he acted on his behalf and had an authorization for such an action. Otherwise, the legal entity cannot be found guilty.¹⁰

The legislator, in order to criminally hold legal persons liable, requesting as a basic criterion the realization of the offense in its name, wanted to emphasize that the liability of the legal entity can be affirmed only in relation to the offenses that natural

⁶ Article 4 of Law 9754 dated 14.06.2007 “On the criminal liability of legal persons”.

⁷ Article 24, 25, 26 of the Civil Code.

⁸ Article 45 of the Criminal Code

⁹ Article 3 of Law 9754 dated 14.06.2017 “On the criminal liability of legal persons”.

¹⁰ See decision no.00-2024-18 (6), dated 11.01.2024 of the Criminal Panel of the Supreme Court.

persons may carry out in the development of their competencies, in the development of activities on behalf of and on behalf of the legal entity.¹¹

The criminal liability of a legal person may arise in the event that during its activity the provisions provided for in the legislation in general and the criminal one in particular are violated and this violation has come as a result of the actions or inactions of the company's bodies and as a rule, in the first place, of its administrator, who cannot be exempted from criminal liability (unless he manages to prove the opposite). In the same logical line with this reasoning are the provisions of paragraph 3 of Article 45 of the Criminal Code¹² and Articles 27¹³ and 28¹⁴ of the Law no. 9754/2007 "On the criminal liability of legal persons", which do not exclude the liability of the representatives of the company.¹⁵

The main punishment is the termination of the legal entity, which is the most severe punishment that can be given to a legal entity. This type of punishment must be in proportion to the criminal offense committed by the legal entity. In my assessment, for this sentence to be given, the legal entity must have committed very serious criminal offenses, such as criminal offenses within organized crime or other offenses that bring a very high risk to society.

The termination of the legal entity has a significant impact on the marital property, as it concerns the continuity in the future of the resources that nourish this marital property. To this situation is added the weight that the aspect of liquidation of liabilities to the creditors of the commercial company may bring, in addition to the removal of opportunities for the future to ensure profits from commercial activity.¹⁶ The impact on the property of the legal community in the case of this penalty is very sensitive, as this Company will cease to exist, i.e. the legal community will no longer have the opportunity to win in the future, and will have the obligation to pay off its liabilities to third parties with its current assets.

The other punishment provided by the Law is the penalty with a fine, which is the most widespread punishment applied to legal persons, if we make a parallelism of this punishment with a sentence that an individual can receive, it is equivalent to a prison sentence. The court in the decision determines the manner and term of

¹¹ Ersi Bozheku, Ismet Elezi, *Criminal Liability of Legal Persons*, Kumi Publications, 2017.

¹² Article 45 "Application of criminal law to legal persons" of the Criminal Code stipulates that:... 3) The criminal liability of legal persons does not exclude that of natural persons, who have committed or are accomplices in committing the same criminal offenses.

¹³ Article 27 "Joinder of proceedings" of the law no. 9754/2007 "On the criminal liability of legal persons" stipulates that: "For the criminal offense committed by the legal person and its bodies or representatives, the procedural rules of joining related proceedings shall apply."

¹⁴ Article 28 "Procedural Actions at the Trial Stage of the Case" of the Law No. 9754/2007 "On the Criminal Liability of Legal Persons" provides that: "1. In the case of joining proceedings, at the stage of adjudication of the case, the first person who has the right to submit requests is the body or representative of the legal person being prosecuted. 2. The presentation of evidence in criminal proceedings shall be determined on the basis of the requests of the body of the legal person or its representative being prosecuted, regardless of those of the representative of the legal person. The first person to be questioned by the court is the body of the legal entity or its representative who is being prosecuted for the same criminal offense. 3. In the final discussion, the body of the legal person or its representative who is being prosecuted for the same criminal offense has the right to the last word".

¹⁵ file:///C:/Users/Admin/Downloads/Article%204,%202024,%20R.%20redhi.pdf.

¹⁶ Altin Shegani, Fatri Islamaj, Ylli Pjeternikaj, "Marital and post-marital regimes and the impact on them from the criminal responsibility of commercial entities".

payment of the fine, if it turns out that the legal entity does not have the income to pay the fine, it decides to replace this punishment with the main punishment, that of the termination of the company.

Also, the value of the fine is determined according to the type of crime committed by the legal entity. For the calculation of this value, a parallelism with the Criminal Code and the prison sentence according to any type of criminal offense has been determined.¹⁷

This type of punishment directly affects the legal community, either in the case when the partner is one of the spouses or in the case when both are partners, as well as for any form of organization of the company.

IV. Impact on the marital property of the criminal liability of the “Limited Liability Company”

In the limited liability company, the liability of the partners is limited, which means that they are not liable with their personal assets for the debts of the Company.¹⁸ This means that if the Company is punished with a fine and its partners are both spouses, then this fine will be paid from the assets of the Company, and their personal assets will not be affected. The question that arises in this case is: if the value of the fine will be high and the company will not be able to pay this fine with its income, then there will be 2 ways to solve it. The first solution will be that the Court will decide the termination of the legal entity and the second solution, the two partners of the company will contribute to the company by increasing the capital, in order to pay the fine. So, in both cases, the wealth of the legal community will be affected, because if the company will end, they will not have the opportunity to have liquidity, but even if they will increase the capital, they will increase it again from their property of the legal community, as a result the wealth of the legal community will decrease.

V. Impact on the marital property of the criminal liability of the “Joint Stock Company”

A joint stock company is a commercial company whose capital is divided into shares subscribed by the founders. The founders are natural or legal persons, who are not personally liable for the obligations of the company and who cover its losses only with the outstanding value of the subscribed shares.¹⁹

This type of company organization is similar to the limited liability company, as shareholders do not have the obligation to answer with their personal assets to the liabilities to the company. But if the Company will be punished with a fine, and the Company has insufficient income, then the shareholders will be forced to increase the capital by investing with their personal assets. But even if we take the case that the company has the opportunity to pay the fine, its capital will still be reduced and the shareholders will cover these losses of the Company in relation to the value of their

¹⁷ Article 11 of the Law.

¹⁸ Law No. 9901, dated 14.4.2008.

¹⁹ Article 105 of Law 9901/2008 “On Merchants and Commercial Companies”.

shares.

Even if only one of the spouses is a shareholder, still this penalty with a fine will affect the property of the legal community, as it will be taken from their joint property. So, as in the case when both spouses are shareholders and in the case when there is one of them, it is again the same impact on the legal community.

VI. Impact on the marital property of the criminal liability of the “Collective Society”

The collective company carries out the commercial activity under a common name and the liability of the partners before the creditors is unlimited.²⁰ . . . A collective company is a form of commercial company where two or more persons join forces to exercise commercial activities and all partners are personally and without limit responsible for the obligations of the Company. The creditor can directly address the personal property of the partner. In Albania, this form of organization of the Society is one of the least registered forms, perhaps also due to the fact of this legal regulation that this society has.

In the event that the Company would be punished with a fine by a decision of the Court, then all partners are obliged to pay this fine with their personal assets, regardless of the percentage of shares.

In contrast to the limited liability company or the joint stock company, the penalty with a fine falls directly on the personal assets of the partners.

Even if only one of the partners will be a partner in this company, if the company does not have liquidity, the burden will fall on the partners with their personal property, i.e. the reduction of the legal community’s assets. So, in this case, the financial interests of the legal community will be damaged.

If this commercial company was established during the marriage, then this activity is part of the legal community, and the compensation of the community cannot be made according to Article 79-81 of the Family Code.²¹

The spouses shall be liable on the property in the community for all the burdens and obligations that burden them at the moment of acquiring the property, for all expenses of the administration of the joint property, for all expenses for the maintenance of the family and for any obligation contracted by the spouses, even separately, which is in the interest of the family, for any other contractual or non-contractual obligations, with the exception of obligations defined as personal.²² The creditors of the spouse can claim their payments initially on the personal property and income of the debtor spouse. They can also request the seizure of the property of the community, when the movable assets belonging to their debtor on the date of the marriage or that they acquire by inheritance or donation have been mixed with the property in the community and cannot be identified.²³ The spouses are liable for the property in the community up to half of its value, against the personal creditors of each spouse, when

²⁰ Article 22 of Law 9901/2008 “On Merchants and Commercial Companies”.

²¹ Altin Shegani, Fatri Islamaj, Ylli Pjeternikaj, “Marital and post-marital regimes and the impact on them from the criminal responsibility of commercial entities”.

²² Article 81 of the Family Code.

²³ Article 83 of the Family Code.

his or her personal property is not sufficient to fulfill the obligations.²⁴

So, in this type of organization of society, in the case of making a decision with a fine, the marital property is automatically reduced.

VII. Impact on the marital property of the criminal liability of the “Limited Partnership”

A limited partnership is a form of commercial company where there are two types of partners with different responsibilities. Commanders are partners who are solidarity-based, borderless and commanding partners who have limited responsibility up to the given contribution. The managing partners administer and represent the company, while the managing partners neither administer nor represent the company.

Even this type of company organization is very little applied in Albania, this is probably due to changes in the rights and obligations of its partners.

As we analyzed above, in the case of receiving a penalty with a fine, the company is obliged to pay it with its capital, but if it happens that the fine is high and the company with its capital does not have an effective possibility to pay it, then the partners, who are unlimited, have the obligation to pay this fine from their present and future personal income. Thus, the effect that this penalty will have on the legal community for the unlimited partner is the same as on other companies.

While limited partners are in more favorable positions, as they answer to society up to the value of their contribution to society.

VIII. How will criminal responsibility be divided when one of the spouses is both an administrator and a partner of the company

The commercial company, being a legal entity, carries out its activity through its bodies. Specifically, it is the administrators, as legal representatives of the company, who carry out all the actions of the administration of the commercial company. The administrators will carry out this activity in accordance with the law and the company's policies (Article 95 of Law No. 9901/2014). In case during the activity of a legal entity the provisions provided in the legislation in general and the criminal legislation in particular are violated, this violation has come as a result of the actions or omissions of the company's bodies and as a rule, in the first place, of its administrator, who cannot be exempted from criminal liability (unless he manages to prove the opposite). In the same logical line with this reasoning are the provisions of paragraph three of Article 45 of the Criminal Code, Articles 27 and 28 of Law no. 9754/2007, which do not exclude the liability of the company's representatives. Also, referring to the sanctions provided by the law no. 9754/2007 against commercial companies, which consist of penalties with fines, termination of the legal person, and/or alternative penalties, the sentence of imprisonment provided by the legislator in Article 181 of the CC, refers to natural persons as representatives of the bodies of the company that are responsible

²⁴ Article 84 of the Family Code.

for the illegal, criminally punishable activity.²⁵

Often in commercial companies, especially the limited liability company which is one of the most widespread companies in Albania, it happens that one of the partners, or the sole partner, is also the administrator of the company.

Since the legal person is represented by its administrator, and these illegal actions were carried out by the latter, in the name and on behalf of the legal person who acted in his name and benefit. Thus, in Article 3 of Law no. 9754, dated 14.6.2007 "*On the criminal liability of legal persons*" it is determined that the legal person is responsible for the criminal offense of the responsible person who, acting on behalf of the legal person, within the framework of the authorizations, has committed a criminal offense in order for the legal person to realize any benefit or has caused damages for that legal person.

In practice, it has happened that both the legal entity and the administrator of the company have received the penalty with a fine. As in this paper, we have analyzed that the fine of the legal entity will be paid from the company's capital.

The question that arises is: what about the penalty with a fine against the administrator, who has the obligation to pay it, will be paid from the capital of the company or is it a personal obligation of the administrator.

I think that this fine should be paid from the administrator's income, i.e. from the income of his legal community. The payment of this fine will directly affect the joint property of both spouses.

IX. Conclusions

1. Penalties against a legal entity according to Law no. 9754/2007, specifically the fine and termination of the legal entity, have direct consequences not only on the commercial company, but also on the property of the legal community of the spouses, when the activity was established during the marriage.
2. The termination of the legal entity constitutes a punishment which brings serious economic consequences, as it affects the assets created during the marriage, which are considered marital property, regardless of whether only one of the spouses appears as a partner in the company.
3. The penalty with a fine is the most applied punishment in the case law and serves as a means of preventing the criminality of legal persons, being the equivalent of a prison sentence for individuals. The court in the decision determines the manner and term of payment of the fine, if it turns out that the legal entity has no income, decides to replace this punishment with the main penalty, that of the termination of the Company.
4. The financial inability of the company to pay the fine leads either to its replacement with the termination of the legal entity, or to the indirect obligation of the partners/spouses to increase the capital of the company from personal assets, again violating the legal community. If only one of the spouses is a partner in the partnership, the penalty with a fine will be paid up to half the value of their legal partnership.
5. The legal form of the company (LLC or JSC) does not offer real protection for the

²⁵ Decision of the Supreme Court with No. 00-2023- 800 of Decision (154) dated 16.05.2023.

legal community, since even though the liability is formally limited, in practice the increase of capital to avoid the end of the company is realized by the assets of the spouses.

6. Exceptions are partners with limited liability in limited partnerships, where the impact on the marital property is more limited, as the liability is directly related to the contribution.

7. In cases where the legal entity and the administrator are sentenced in parallel, and the latter is the same person, the administrator bears personal responsibility according to the Criminal Code. However, even this punishment indirectly affects the legal community, as the personal assets of the administrator are part of it.

8. In practice, there is a significant lack of information of the spouses-co-owners of quotas/shares on the criminal liability of the legal entity and the consequences that this brings on their joint property.

X. Recommendations

- Increasing transparency and information through NBC publication: There should be a legal obligation for the reflection in the NBC of the co-owners of quotas/shares, when the commercial activity was established during the marriage, based on documents such as marriage and family certificates.
- Detailed information of spouses-partners: Spouses who establish or become involved in a commercial company during the marriage must be clearly informed about: the criminal liability of the legal entity; civil and criminal consequences on the legal community; the risks that mismanagement of society brings.
- Active participation and oversight by co-owners: Quota co-holders must have an active role in administration or control, as even if they do not bear direct criminal responsibility, the economic consequences affect their quota/share.
- Clearer differentiation of the personal responsibility of the administrator: Legal regulations should be strengthened so that, in cases of maladministration by the administrator, civil and criminal liability remains personal and is not automatically transferred to the legal community, especially when the administrator is the sole partner.
- Review of the balance between punishment and protection of the legal community: The legislator should evaluate protection mechanisms for the non-administrator and non-active spouse in society, to avoid disproportionate penalization of the marital property.
- Informing the justice bodies: The prosecution and the courts should consider the existence of the legal community even in cases where one of the spouses does not formally appear in the NBC, but has a real right to the quota/share.

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Formal equality, fragile power: Women's leadership between normative theory and institutional reality – A doctrinal comparative analysis of Albania and the EU

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Abstract

This article provides a doctrinal and institutional analysis of the relationship between formal equality and the fragility of women's real power in leadership positions, with a comparative focus on Albania and the EU. Although contemporary legal systems strongly enshrine equality before the law, the prohibition of discrimination, and equal access to public decision-making, a persistent gap remains between normative guarantees and institutional reality. The study addresses four core dimensions: (1) formal equality, equality before the law, and the prohibition of discrimination; (2) the limits of numerical representation in ensuring substantive power; (3) the effectiveness of gender equality legal frameworks in generating real authority versus formal access; and (4) the fragility of women's leadership power due to social pressure, double standards, and public polarization. Using a doctrinal methodology grounded in EU law, international human rights instruments, and Albanian legislation within the EU accession framework, the article argues that existing legal instruments predominantly secure formal inclusion rather than substantive institutional empowerment. The Albanian case demonstrates high normative alignment with EU *acquis* but incomplete institutional internalization of substantive equality. The article concludes that bridging the gap between normative theory and institutional reality requires enforceable institutional mechanisms, stronger accountability structures, and a transition from formal to substantive equality in governance practice.

Keywords: formal equality, substantive equality, women's leadership, EU law, Albania, anti-discrimination, institutional power, gender governance.

1. Introduction

The consolidation of gender equality as a fundamental legal principle in modern constitutional and supranational systems represents one of the most significant normative developments in contemporary public law. Equality before the law, the prohibition of discrimination, and equal access to public life are now firmly embedded in international human rights law, in the legal order of the EU, and in national constitutional frameworks, including that of Albania. Within the EU legal system, equality between women and men is recognized as a foundational value and is operationalized through primary law, secondary legislation, and judicial interpretation. Similarly, international human rights instruments have progressively articulated gender equality not merely as a negative obligation to refrain from discrimination, but as a positive duty to dismantle structural barriers that impede women's full participation in public life. Notwithstanding these developments,

women's leadership power frequently remains institutionally fragile, revealing a structural disjunction between normative equality and institutional reality. From a doctrinal perspective, equality law has undergone a conceptual transformation. Early liberal models of equality were grounded in formal neutrality, requiring identical treatment in comparable situations. Over time, however, scholars and courts have recognized that identical treatment can perpetuate disadvantage where structural inequalities persist. As Fredman (2016) argues, substantive equality requires attention to outcomes, structural disadvantage, and the transformation of institutional arrangements that reproduce inequality. This shift has influenced both EU anti-discrimination law and international human rights jurisprudence, which increasingly endorse positive measures, gender mainstreaming, and corrective mechanisms such as quotas. Nevertheless, the practical implementation of these principles often remains confined to a paradigm of formal compliance. Legislative harmonization and the adoption of equality statutes may satisfy normative benchmarks without fundamentally altering entrenched patterns of power distribution within political parties, executive structures, or public administration. In the context of EU enlargement, gender equality assumes both normative and strategic significance. Under Chapter 23 (Judiciary and Fundamental Rights), candidate states are evaluated on the effective protection of fundamental rights, including gender equality, as a precondition for accession (European Commission, 2023). For Albania, alignment with the EU *acquis* has involved the adoption of comprehensive legislation on gender equality, anti-discrimination, and mechanisms for institutional monitoring. These reforms reflect a high degree of formal convergence with EU standards. However, the accession framework increasingly emphasizes not only legislative approximation but also implementation capacity, institutional independence, and measurable impact. The persistence of fragile leadership power among women in Albania suggests that compliance with formal legal requirements does not automatically generate substantive authority within decision-making hierarchies. The gap between law on the books and law in action underscores the limits of harmonization when institutional culture and informal power networks remain resistant to transformation. Institutionally, women's leadership positions may be secured through quotas or political commitments, yet their authority can remain contingent and vulnerable. Informal networks of influence, party hierarchies, and patronage structures often shape decision-making processes in ways that are not captured by formal legal analysis. Moreover, gendered legitimacy standards subject women leaders to heightened scrutiny, double standards, and reputational risks that do not affect their male counterparts to the same degree. Socio-cultural expectations concerning leadership style, authority, and public visibility can generate additional constraints, rendering women's power more precarious even when formally recognized. In polarized political environments, such pressures may intensify, further undermining institutional stability and reinforcing perceptions of conditional legitimacy.

Methodologically, this article adopts a doctrinal and comparative legal approach, integrating EU law, international human rights norms, and Albanian constitutional and legislative frameworks. By examining both the normative architecture of equality and its institutional operation, the analysis demonstrates that formal equality, while

indispensable, is insufficient to secure real power in leadership positions. Structural inertia, gendered standards of authority, and informal governance practices continue to mediate the exercise of power. Consequently, the transition from formal to substantive equality requires not only legislative alignment but also enforceable accountability mechanisms, institutional redesign, and cultural transformation within governance structures. Only through such multidimensional reform can the promise of equality evolve from symbolic inclusion to durable institutional empowerment.

2. Formal Equality, Equality Before the Law, and the Prohibition of Discrimination

Formal equality is traditionally defined as the principle that all individuals are entitled to equal treatment before and under the law, without unjustified distinctions based on protected characteristics such as sex, race, religion, or other status. As a foundational norm of liberal constitutionalism, equality before the law presupposes that legal rules must be general, abstract, and neutrally applied. This understanding is deeply embedded in international legal doctrine and feminist legal critique alike (MacKinnon, 1989). Within European constitutional traditions and the legal order of the EU, equality operates both as a value and as a justiciable right, forming part of the broader architecture of fundamental rights protection. At its core, the classical doctrine of formal equality is premised on the assumption that identical treatment in comparable situations produces fairness. Under this model, discrimination is understood primarily as differential treatment lacking objective and reasonable justification. Legal analysis therefore focuses on whether a distinction exists, whether individuals are similarly situated, and whether any difference in treatment can be justified under proportionality standards. This framework has played a critical role in dismantling explicit and overt forms of sex-based discrimination in employment, political participation, and access to public goods. However, as feminist legal scholarship and critical equality theory have demonstrated, identical treatment does not necessarily produce equal outcomes in contexts marked by historical disadvantage and structural exclusion (Young, 1990). When formally neutral rules are applied within institutions historically shaped by male-dominated norms, they may reproduce rather than remedy inequality. For example, leadership criteria framed around uninterrupted career trajectories or adversarial political styles may appear gender-neutral while indirectly disadvantaging women. Thus, the neutrality of law can obscure embedded power asymmetries. Contemporary equality jurisprudence has responded to these limitations by expanding the doctrinal understanding of equality beyond strict formalism. Modern equality law incorporates both negative obligations—requiring states to refrain from direct and indirect discrimination—and positive obligations—requiring proactive measures to dismantle systemic barriers. Within the EU legal framework, this evolution is visible in the development of indirect discrimination doctrine, the acceptance of positive action measures, and the institutionalization of gender mainstreaming across policy areas. Equality is no longer conceived solely as the absence of unjustified differentiation, but also as the presence of structural conditions that enable genuine participation. Substantive equality theory further deepens this shift. As Fredman (2016) argues, equality must be assessed along

multiple dimensions: redressing disadvantage, addressing stigma and stereotyping, enhancing participation and voice, and transforming institutions that reproduce inequality. This multidimensional approach moves beyond formal access to consider whether individuals possess real opportunities to influence decision-making processes and exercise authority. In leadership contexts, this distinction is particularly salient. The formal right to hold office does not automatically guarantee equal capacity to shape agendas, command institutional loyalty, or withstand political pressure. The doctrinal transition from formal to substantive equality is increasingly reflected in international human rights law and EU governance instruments. International treaties recognize the legitimacy of temporary special measures to accelerate de facto equality, while EU directives address both direct and indirect discrimination in employment and political participation. Nevertheless, the persistence of gendered hierarchies within institutional power structures suggests that the transformative potential of substantive equality has not been fully realized in practice. Accordingly, while formal equality remains a necessary constitutional foundation—ensuring equal status and protection under the law—it is insufficient to secure structural justice or durable leadership authority. A purely formal conception of equality risks equating neutrality with fairness and access with empowerment. The doctrinal challenge, therefore, lies in operationalizing substantive equality in ways that reshape institutional cultures, redistribute decision-making power, and ensure that legal guarantees translate into effective influence within governance structures.

2.1 Constitutional and Legislative Framework in Albania

The constitutional foundation of gender equality in Albania is firmly established in the Constitution of the Republic of Albania. Article 18 enshrines the principle of equality before the law and explicitly prohibits discrimination on grounds including gender, race, religion, ethnicity, language, political beliefs, and social status. This provision reflects the core liberal constitutional commitment to formal equality and aligns closely with international human rights standards and the normative requirements of the EU acquis. As such, equality before the law functions as a justiciable constitutional right and as a guiding principle for legislative and administrative action. Beyond constitutional guarantees, Albania has adopted a comprehensive legislative framework aimed at operationalizing equality and non-discrimination. Law No. 10221/2010, *On Protection from Discrimination*, represents a cornerstone of this framework. The law establishes a broad definition of discrimination, encompassing direct discrimination, indirect discrimination, harassment, and victimization, and applies across both public and private spheres. Crucially, it created the institution of the Commissioner for Protection from Discrimination as an independent equality body with powers to investigate complaints, issue recommendations, and raise awareness. This institutional design reflects EU best practices and responds to accession-related expectations concerning enforcement mechanisms and institutional independence (European Commission, 2023).

Complementing the general anti-discrimination framework, Law No. 9970/2008, *On Gender Equality in Society*, provides a more targeted legal basis for promoting gender equality. This law introduces the principle of gender mainstreaming into public policy,

mandates equal participation of women and men in political and public life, and establishes institutional mechanisms within public administration to advance gender equality. It also provides for temporary special measures, including gender quotas, aimed at accelerating de facto equality in areas where women are underrepresented. In formal terms, the law reflects a substantive equality orientation consistent with CEDAW obligations and EU gender equality policies. From a doctrinal perspective, Albania's constitutional and legislative framework demonstrates a high degree of normative alignment with international and European standards. Equality is articulated not only as a prohibition of discrimination but also as a positive objective of public governance. However, legal alignment does not necessarily equate to effective institutional empowerment. While the framework secures formal access to leadership positions and establishes procedural guarantees, it offers limited mechanisms to ensure that women exercise durable authority within institutional hierarchies once appointed or elected. This limitation is particularly visible in the gap between representation and influence. Gender quotas and formal equality provisions have contributed to increased numerical participation of women in political institutions and public administration. Yet, decision-making power often remains concentrated within informal networks, party leadership structures, or executive bodies where accountability mechanisms are weak. The absence of robust enforcement tools, measurable indicators of substantive equality, and sanctions for institutional non-compliance reduces the transformative potential of the legal framework. This dynamic reflects a broader pattern observed in EU accession countries, where legislative approximation frequently precedes institutional internalization. Under accession conditionality, legal reforms are often adopted rapidly to demonstrate compliance with EU benchmarks, while institutional cultures, administrative practices, and power relations evolve more slowly. As a result, equality norms may function primarily as formal or symbolic commitments rather than as drivers of structural change. In the Albanian context, this has contributed to a situation in which women's leadership remains formally secured but institutionally fragile, contingent upon political will and vulnerable to informal exclusion.

3. Why Numerical Representation Does Not Guarantee Real Power

3.1 Descriptive Representation versus Substantive Authority

The increase in women's numerical representation within political and administrative institutions is widely regarded as a central indicator of democratic maturity and gender equality. Across the EU and in accession states such as Albania, gender quotas and parity measures have significantly raised the proportion of women in parliaments, municipal councils, and segments of public administration. From a formal equality perspective, such progress reflects compliance with constitutional guarantees and international obligations. However, the presence of women within institutions does not automatically ensure the exercise of substantive authority or meaningful participation in strategic governance processes. The distinction between descriptive and substantive representation provides a foundational analytical framework for understanding this limitation. Pitkin (1967) conceptualizes descriptive representation as the extent to which representatives resemble the demographic characteristics of

the population, whereas substantive representation concerns the active promotion and defense of the interests of those represented. In this sense, numerical inclusion is a necessary but insufficient condition for power redistribution. Women may occupy seats within legislative bodies or executive offices while remaining marginalized from core decision-making arenas, such as party leadership structures, financial committees, or high-level executive negotiations. Phillips (1995) advances this analysis through the concept of the “politics of presence,” arguing that the physical inclusion of historically excluded groups is essential to democratic legitimacy. Nevertheless, she cautions that presence alone does not guarantee influence. Institutional power is shaped not merely by occupancy but by access to agenda-setting mechanisms, control over procedural rules, distribution of strategic portfolios, and embedded hierarchies within governance systems. Consequently, women may achieve representational parity while lacking decisive authority over policy formulation, budget allocation, or institutional reform. Institutional theory further clarifies this discrepancy. Formal rules, such as quota laws, regulate entry into institutions, but informal norms often regulate influence within them. Leadership networks, patronage systems, and party hierarchies may function as gatekeeping mechanisms that shape whose voices are amplified and whose initiatives are prioritized. In contexts where informal power structures remain male-dominated, descriptive gains may coexist with substantive exclusion. Thus, equality of access does not necessarily translate into equality of power. Moreover, substantive authority depends on several interrelated factors: agenda-setting capacity, access to material and symbolic resources, and hierarchical positioning within institutional structures. Agenda-setting power determines which issues are debated and which remain peripheral. Resource control—financial, administrative, or informational—shapes the feasibility of policy initiatives. Hierarchical positioning influences the degree to which actors can direct institutional priorities or command organizational loyalty. Without influence across these dimensions, representation risks becoming symbolic rather than transformative.

Empirical scholarship on gender and politics supports this theoretical distinction. Studies indicate that women are often overrepresented in social policy portfolios and underrepresented in high-prestige or security-related ministries, reflecting persistent gendered divisions of political labor. Even in legislatures with high female representation, leadership positions such as committee chairs or party leaders may remain disproportionately occupied by men. These patterns illustrate how institutional architecture can limit the translation of descriptive gains into substantive authority. From a doctrinal perspective, equality law primarily addresses access and non-discrimination rather than internal distributions of institutional influence. Legal instruments can mandate inclusion but rarely regulate informal hierarchies or guarantee decision-making power once access is achieved. This creates a structural limitation: formal equality ensures the right to participate but does not secure the conditions necessary for effective participation. As a result, women’s leadership power may remain contingent, dependent on political alliances, and vulnerable to exclusion from core governance processes.

4. Legal Frameworks on Gender Equality: Real Power or Only Formal Access?

The EU has developed one of the most comprehensive supranational legal regimes on gender equality in the world. Gender equality is embedded as a foundational value in Article 2 of the Treaty on EU (TEU) and as a cross-cutting objective under Article 8 of the Treaty on the Functioning of the EU (TFEU), which mandates the Union to eliminate inequalities and promote equality between women and men in all its activities. This constitutional embedding reflects a doctrinal shift from sectoral anti-discrimination measures toward an integrated equality framework.

The EU Gender Equality Strategy 2020–2025 further consolidates this approach by articulating a comprehensive roadmap for achieving a Union of Equality (European Commission, 2020). The Strategy emphasizes gender mainstreaming across policy domains, combating gender-based violence, closing gender gaps in labor markets and decision-making, and strengthening institutional mechanisms for equality. Importantly, it recognizes women’s leadership and participation in decision-making as central to democratic governance and institutional legitimacy. The Strategy thus moves beyond formal non-discrimination to promote structural reforms and cultural transformation within institutions. In addition to strategic policy instruments, the EU has adopted binding directives addressing equal treatment in employment, social security, access to goods and services, and corporate governance. The Equal Treatment Directive (Recast Directive 2006/54/EC) consolidates previous legislation on equal opportunities and equal treatment in matters of employment and occupation. More recently, the 2022 Directive on improving gender balance among directors of listed companies (often referred to as the “Women on Boards Directive”) introduces concrete targets to enhance female representation in corporate leadership. These instruments demonstrate considerable normative strength and reflect an explicit commitment to substantive equality, including through positive action measures. Nevertheless, EU gender equality law operates largely through minimum harmonization. While directives establish binding objectives, Member States retain discretion regarding the form and methods of implementation. Enforcement is primarily entrusted to national courts, equality bodies, and administrative authorities. The European Commission may initiate infringement proceedings against non-compliant states, but day-to-day realization of equality rights depends on domestic institutional capacity and political will. This decentralized enforcement architecture can produce divergence between normative standards and institutional outcomes. The structural limitations of this model become evident when examining leadership power. EU law effectively guarantees access to employment and prohibits discriminatory exclusion. It can mandate transparency requirements, establish reporting obligations, and authorize positive action. However, it does not directly regulate internal party hierarchies, informal political networks, or the distribution of agenda-setting authority within national governance systems. Consequently, legal compliance may coexist with persistent asymmetries in institutional influence. Formal inclusion, even when legally secured, does not automatically translate into durable authority or transformative redistribution of power.

Scholarly analysis underscores this gap between law on the books and law in action.

Fredman (2016) argues that substantive equality requires structural transformation and sustained institutional engagement, not merely formal compliance with anti-discrimination norms. Similarly, governance scholarship highlights that mainstreaming strategies often depend on administrative coordination, political prioritization, and resource allocation, all of which vary across national contexts. Without strong monitoring mechanisms and measurable benchmarks, gender equality policies risk becoming declaratory commitments rather than operational reforms. In the enlargement context, these tensions are amplified. Candidate countries are required to align legislation with the EU *acquis*, yet institutional internalization often lags behind formal approximation. The emphasis on legislative harmonization as a benchmark for accession can incentivize rapid adoption of equality laws without ensuring the deep cultural and structural changes necessary for effective empowerment. Thus, while the EU gender equality framework possesses considerable normative strength, its capacity to secure real leadership power ultimately depends on domestic institutional transformation.

4.1 Albanian Alignment within the EU Accession Framework

As an official candidate for membership in the EU, Albania has undertaken extensive legislative and institutional reforms to align its domestic legal order with the *acquis communautaire* in the field of equality and non-discrimination. Gender equality constitutes a core component of this alignment process, particularly under Chapter 23 (Judiciary and Fundamental Rights), where respect for fundamental rights, effective anti-discrimination measures, and institutional capacity are assessed as key accession benchmarks.

From a normative perspective, Albania demonstrates a high level of formal compliance with EU standards. The adoption of comprehensive legislation on gender equality and non-discrimination, the establishment of gender equality units within line ministries, and the formulation of national strategies on gender equality reflect a clear commitment to EU norms. These measures mirror EU policy priorities, including gender mainstreaming, balanced participation in decision-making, and institutional coordination mechanisms. In formal terms, Albania's legal and policy framework is broadly compatible with EU gender equality directives and strategic instruments. However, the EU accession process increasingly emphasizes not only legislative approximation but also effective implementation and measurable outcomes. In this regard, successive European Commission progress reports identify persistent structural weaknesses in Albania's equality governance (European Commission, 2023). While laws and strategies are in place, their practical application remains uneven. Implementation gaps are particularly visible in the limited capacity of public institutions to mainstream gender across policy areas, the insufficient allocation of human and financial resources, and weak monitoring and accountability mechanisms. One recurring concern highlighted in Commission assessments is the limited institutional authority of gender equality mechanisms. Gender equality units often operate with advisory or coordinating mandates rather than decision-making power, constraining their ability to influence core policy processes such as budgeting, legislative drafting, or public sector reform. As a result, gender mainstreaming risks

becoming a formal procedural requirement rather than an operational governance principle. This institutional marginalization directly affects the translation of formal equality norms into substantive outcomes, particularly in leadership and decision-making contexts. Furthermore, the Commission has noted that political commitment to gender equality remains inconsistent across sectors and levels of governance. While central strategies may articulate ambitious objectives, their integration into sectoral policies and local governance structures is frequently limited. This fragmentation undermines coherence and weakens the transformative potential of equality frameworks. In accession contexts, where reform agendas are often driven by external conditionality, such dynamics reinforce the tendency toward symbolic compliance rather than deep institutional internalization. From a doctrinal standpoint, Albania's experience illustrates a broader accession-related paradox. The EU conditionality model prioritizes rapid legal harmonization as a prerequisite for progress, yet institutional cultures, informal power relations, and administrative practices evolve at a slower pace. Consequently, equality norms may be formally embedded while remaining functionally peripheral to real governance processes. Women's access to leadership positions may increase, but their authority within institutional hierarchies remains fragile and contingent. Scholarly analyses of EU enlargement confirm this pattern, noting that candidate countries often excel in adopting legislation while struggling to ensure enforcement, institutional independence, and sustainability (Fredman, 2016). In the Albanian case, this gap is reflected in the persistence of gendered leadership dynamics, limited agenda-setting power for women leaders, and reliance on political will rather than enforceable institutional guarantees.

In sum, Albania's alignment with EU gender equality standards under the accession framework demonstrates strong normative convergence but incomplete substantive realization. The EU monitoring process has been effective in promoting legal reform, yet less successful in ensuring institutional transformation. Bridging this gap requires a shift from compliance-oriented reform toward capacity-building, stronger accountability structures, and empowerment of equality institutions with real influence over decision-making processes. Without such measures, gender equality risks remaining a formal accession benchmark rather than a lived institutional reality.

5. Why Power Remains Fragile for Women: Social Pressure, Double Standards, and Public Polarization

Despite significant advancements in formal equality and increased numerical representation, women's leadership power often remains institutionally fragile due to persistent social pressures and gendered legitimacy standards. Legal frameworks may secure access to leadership positions, yet social norms continue to shape perceptions of authority, competence, and legitimacy. These informal constraints operate alongside formal institutions, frequently undermining the durability and stability of women's power in political and administrative contexts. A central theoretical explanation for this phenomenon is role congruity theory, developed by Eagly and Karau (2002). According to this framework, prejudice arises when there is an incongruity between the perceived attributes of a social group and the characteristics

culturally associated with a particular role. Leadership roles have historically been associated with agentic traits—assertiveness, decisiveness, dominance—that are culturally coded as masculine. Women, by contrast, are stereotypically associated with communal traits such as warmth, empathy, and cooperation. When women assume leadership positions, they may therefore be evaluated through a lens of perceived mismatch, generating skepticism about their authority or competence. This incongruity produces a double bind. If women leaders conform to communal expectations, they may be perceived as insufficiently authoritative; if they adopt agentic leadership styles, they risk being judged as overly aggressive or unlikeable. Empirical studies confirm that women in leadership are often evaluated more harshly than men for identical behaviors, particularly in high-stakes political or executive contexts (Eagly & Karau, 2002). These gendered evaluation patterns contribute to the fragility of leadership power by increasing reputational vulnerability and narrowing the range of socially acceptable leadership behaviors. Feminist legal scholarship further underscores that equality cannot be fully understood without addressing embedded gender norms that structure institutional cultures (MacKinnon, 1989). Formal legal guarantees may prohibit discrimination, yet they cannot, on their own, dismantle deeply internalized expectations regarding gender roles. As a result, women leaders frequently encounter informal resistance, including reduced institutional support, limited access to influential networks, and intensified media scrutiny. These dynamics create structural conditions in which leadership authority is more easily contested or delegitimized. Public polarization amplifies these pressures. In politically polarized environments, women leaders may become symbolic focal points for broader ideological conflicts, with gendered narratives reinforcing political attacks. Research on gender and political communication demonstrates that women politicians are more likely to face personal criticism, appearance-based commentary, and questioning of competence compared to their male counterparts (Phillips, 1995). Such patterns not only affect individual leaders but also contribute to a broader climate in which women’s authority is perceived as conditional or exceptional rather than normalized. From a substantive equality perspective, these dynamics reveal the limits of purely legal approaches to empowerment. While constitutional and supranational norms—such as those promoted within the EU framework secure formal access to leadership, they do not automatically transform the socio-cultural foundations of authority. Substantive equality requires addressing not only structural disadvantage but also stigma, stereotyping, and patterns of exclusion that operate beyond the reach of formal legal prohibitions (Fredman, 2016).

The fragility of women’s power is therefore not merely a sociological observation but a constitutional concern. When leadership legitimacy is unevenly distributed due to gendered expectations, democratic governance itself is affected. Authority becomes contingent rather than stable, and institutional continuity may depend disproportionately on personal resilience rather than structural support. Ensuring durable leadership power for women thus demands a multidimensional strategy: legal enforcement against discrimination, institutional accountability mechanisms, media responsibility standards, and long-term cultural transformation of leadership norms. In this sense, social pressure and gendered leadership norms constitute

significant barriers to the consolidation of substantive equality in governance. Role congruity theory provides a compelling explanatory framework for understanding persistent legitimacy challenges, while feminist legal analysis highlights the need to move beyond formal equality toward structural and cultural change. Without addressing these informal dimensions of power, women's leadership will remain formally recognized yet institutionally fragile.

6. Normative Commitments versus Institutional Reality in the EU Integration Context

The comparative analysis between Albania and the EU demonstrates a clear convergence at the level of normative legal standards, accompanied by a persistent divergence in institutional internalization and practical enforcement. From a formal legal perspective, Albania has achieved a high degree of alignment with the EU *acquis* in the field of equality and non-discrimination, particularly through constitutional guarantees of equality before the law (Article 18 of the Constitution), the adoption of Law No. 10221/2010 "On Protection from Discrimination," and Law No. 9970/2008 "On Gender Equality in Society." These instruments reflect the transposition of core EU equality principles embedded in the Charter of Fundamental Rights of the EU (Arts. 20–23), Directive 2006/54/EC, and the broader EU gender equality framework. However, EU accession conditionality does not assess compliance solely on the basis of legislative approximation. Under the enlargement methodology and Chapter 23 (Judiciary and Fundamental Rights), the European Commission places increasing emphasis on effective implementation, institutional capacity, administrative professionalism, and measurable governance outcomes (European Commission, 2023). This implies that the existence of formal legal guarantees is insufficient if equality norms are not operationalized within institutional decision-making processes, leadership structures, and administrative practice. In this sense, the gap between normative convergence and institutional internalization becomes a central indicator of governance quality in candidate countries.

Within EU Member States, gender equality policies are increasingly embedded through institutionalized mechanisms such as gender mainstreaming units, equality impact assessments, and binding monitoring frameworks coordinated at both national and supranational levels. By contrast, in accession contexts such as Albania, equality institutions often operate with limited resources, fragmented mandates, and constrained influence over strategic decision-making structures. This asymmetry does not necessarily indicate normative deficiency, but rather an institutional lag in translating formal equality into substantive governance practice.

Moreover, institutional internalization requires more than the formal existence of equality bodies or legal frameworks; it necessitates the integration of equality principles into administrative routines, leadership appointment procedures, budgetary planning, and policy evaluation mechanisms. The European Commission's progress reports consistently underline that effective gender equality implementation depends on inter-institutional coordination, data-driven monitoring, and the mainstreaming of equality objectives across all sectors of public governance, rather than their

confinement to specialized policy units (European Commission, 2023). Where such integration is weak, equality risks remaining declaratory rather than transformative. In this context, gender equality in leadership should be conceptualized not merely as a human rights obligation but as a governance indicator reflecting institutional maturity, democratic consolidation, and the professionalization of public administration. Institutions that ensure substantive participation of women in strategic decision-making tend to exhibit higher levels of transparency, accountability, and policy inclusiveness, which are core benchmarks within the EU rule of law and good governance framework. Conversely, where women's leadership remains formally recognized but substantively fragile, this may signal deeper structural issues related to institutional hierarchy, informal power networks, and administrative culture. Therefore, the divergence between Albania and the EU does not primarily lie in the normative legal architecture—which is largely harmonized—but in the degree to which equality norms are embedded within institutional behavior and governance outcomes. Bridging this gap requires strengthening enforcement mechanisms, enhancing institutional capacity, and developing measurable indicators of substantive equality in leadership, including representation in executive decision-making bodies, resource allocation roles, and strategic policy positions. Only through such institutional internalization can formal legal convergence evolve into effective and sustainable gender equality in leadership within the broader EU integration trajectory.

7. Conclusion

Formal equality, equality before the law, and the prohibition of discrimination are foundational legal principles that establish the formal right of women to access leadership positions, yet they alone are insufficient to secure substantive power. Legal guarantees—enshrined in constitutional provisions, international treaties, and supranational directives—provide necessary protection against overt discrimination and ensure that women can participate in public decision-making. Both the EU and Albania have developed comprehensive normative frameworks to institutionalize gender equality. In the EU, treaties and directives, such as the Treaty on the Functioning of the EU (TFEU) and the 2006/54/EC Equal Treatment Directive, guarantee equal treatment in employment, access to decision-making, and the possibility of temporary special measures to accelerate de facto equality (Fredman, 2016; EU, 2006). Similarly, Albania's Constitution and legislation—including Law No. 10221/2010 *On Protection from Discrimination* and Law No. 9970/2008 *On Gender Equality in Society*—codify equality and provide institutional mechanisms to advance gender parity in governance (European Commission, 2023).

Despite these robust frameworks, numerical representation and legislative compliance do not automatically translate into real institutional authority. Descriptive representation—the presence of women in leadership roles—is a necessary first step but insufficient to ensure substantive influence (Pitkin, 1967). Women may occupy positions of power but remain marginalized in key decision-making processes, constrained by hierarchical structures, limited access to resources, or informal networks that concentrate authority in male-dominated spheres (Phillips, 1995; Eagly

& Karau, 2002). Social pressure and gendered leadership norms further exacerbate these dynamics. Role congruity theory highlights that leadership traits are culturally coded as masculine, creating perceptions of incongruity when women exercise authority, which can result in heightened scrutiny, reputational vulnerability, and conditional legitimacy (Eagly & Karau, 2002). Public polarization and media bias also contribute to an environment in which women's authority is frequently contested, reinforcing institutional fragility (Phillips, 1995).

Institutional resistance represents an additional barrier. Gender equality units and formal compliance mechanisms may exist, yet their mandate, resources, and decision-making power are often limited, particularly in EU candidate states where reforms are driven by accession conditionality rather than domestic political prioritization (Fredman, 2016; European Commission, 2023). Consequently, legal inclusion often remains symbolic or procedural, lacking the structural support necessary for substantive empowerment. Bridging the gap between normative theory and institutional reality therefore requires a multidimensional strategy. Enforceable institutional reforms are essential, including accountability mechanisms that monitor leadership distribution, resource allocation, and participation in agenda-setting. Integration of substantive equality doctrines into governance practice is equally critical, ensuring that legal rights translate into real influence within institutions (Fredman, 2016). Structural interventions may include the redesign of decision-making hierarchies, mandatory gender-sensitive budgeting, mentoring and capacity-building programs, and proactive measures to counteract bias and social stereotyping. In conclusion, formal legal equality lays the foundation for women's leadership but does not, on its own, secure durable institutional authority. Achieving substantive power requires an integrated approach that combines legal enforcement, institutional reform, cultural change, and active measures to redistribute influence within governance structures. Without such measures, the promise of equality risks remaining a formal principle rather than a lived reality.

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The role of constitutional court of Albania in resolving important political and social questions, through judicial jurisprudence

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Abstract

The paper “The Role of the Constitutional Court of Albania in Resolving Important Political and Social Questions through Judicial Jurisprudence” examines the performance of the Constitutional Court of Albania in addressing significant political and social issues through its judicial jurisprudence.

The central questions this paper seeks to address are whether, how, under what conditions, and with what consequences the Constitutional Court of Albania (“CC”) has positioned itself as a constitutional-political actor and a genuine agent of social change. Legitimized subjects of constitutional review—such as organizations, associations, groups of deputies, individuals, and public institutions—often advocate for change in the political, economic, and social spheres. This dynamic, in turn, creates both space and pressure for the Constitutional Court to effect change within the legal sphere.

The role of the Constitutional Court can be analyzed through two main approaches: first, how the Court responds to political or social changes; and second, how the Court influences and contributes to the emergence of such changes, (which may be interpreted as either progressive or regressive). This paper primarily adopts the first approach, as it is more suitable for analyzing the positions and reasoning adopted by the Constitutional Court of Albania over the years.

Through a detailed analysis of selected decisions of the Court, the paper argues that the Constitutional Court should play a crucial role in providing an evolutionary impulse to the legal system, addressing ongoing social dynamics through its jurisprudential standards, which must necessarily reflect contemporary social changes.

Keywords: review, constitution, case-law, social, rights, politics.

1. Introduction

The jurisprudence of the Albanian Constitutional Court has played a significant role in shaping the country’s constitutional order, particularly in the context of democratic consolidation, the rule of law and the protection of fundamental rights. In transitional societies, constitutional adjudication often becomes a key arena where political and social conflicts are transformed into legal disputes and resolved through constitutional reasoning rather than political confrontation. In this context, constitutional courts are increasingly perceived not merely as negative legislators, but as constitutional-political actors whose decisions may influence social dynamics, public policies and democratic development. Through constitutional review, courts may either reinforce existing power structures or contribute to social change, depending on how they interpret constitutional principles and respond to evolving societal realities.

This paper examines whether, how and under what conditions the Constitutional Court of Albania has positioned itself as such an actor in addressing major political and social questions. Rather than offering a purely institutional or descriptive

account of the Court's competences, the analysis focuses on the reasoning and standards developed in its jurisprudence, assessing the extent to which these reflect responsiveness to social change and contemporary constitutional values. Legitimized subjects of constitutional review—such as individuals, associations, groups of deputies and public institutions—often bring before the Court disputes rooted in social, economic and political transformations. These cases create both space and pressure for the Court to intervene in sensitive policy areas, raising questions about the limits between constitutional interpretation and judicial activism. While the role of constitutional courts may be analyzed through two main approaches—how courts respond to social and political change, and how they actively contribute to generating such change—this paper primarily adopts the first approach, as announced in the abstract.

By analyzing selected decisions concerning social, economic and political rights, the paper evaluates whether the Constitutional Court of Albania has provided an evolutionary impulse to the legal system through a dynamic interpretation of the Constitution, or whether, in certain instances, it has adopted a restrained posture, missing opportunities to advance constitutional values in line with social developments. In this context, this paper does not merely describe the competences or the institutional role of the Albanian Constitutional Court, but critically examines whether and to what extent the Court has acted as a constitutional-political actor capable of responding to major social and political transformations.

2. The doctrine of “living instrument” according to constitutional court case - law

Public authorities, in the exercise of their functions, are required to respect fundamental human rights and freedoms and to contribute to their effective realization. Human rights do not exist in a vacuum; the very existence of protection mechanisms is justified by the fact that public administration bodies may violate these rights in the course of their everyday administrative and executive activity. Public authorities must act in compliance with constitutional principles and values, subordinating their entire activity to the construction and preservation of the rule of law and the social state. At the same time, public administration is entrusted with exceptionally broad constitutional objectives. It is required (although not exclusively) “to build a democratic and social state governed by the rule of law, in order to guarantee fundamental human rights and freedoms.” (Preamble of the Albanian Constitution)

Constitutional governance constitutes a form of governance that, beyond organizing state power and ensuring legality, directly affects the welfare and quality of life of individuals. In this sense, constitutional review represents, to a certain extent, a form of control over governmental policies. Accordingly, the Constitutional Court may be regarded as a political court insofar as it constrains the legislative and executive branches in the formulation and implementation of their policies. Several factors support the concept of the living constitution, or more precisely, justify the evolving interpretation of constitutional provisions—a phenomenon that undeniably occurs in practice. These factors may be divided into two categories: *internal factors*, related to the inherent nature and openness of constitutional language, and *external factors*,

which influence the interpretation and application of constitutional norms. At the same time, the doctrine of the living constitution has been subject to significant and understandable criticism. Through interpretative activity, courts may effectively create new constitutional provisions or legal norms, thereby exceeding their jurisdiction and transforming themselves into positive constitutional legislators. In contemporary legal systems, constitutional courts have progressively assumed a more active role by “assisting” the legislature in the exercise of its functions. In certain cases, they go beyond mere assistance and effectively substitute the legislature, adopting temporary or permanent rules applicable to specific situations. Such judicial activism raises concerns regarding the separation of powers and democratic legitimacy. Nevertheless, the active involvement of constitutional courts in legislative policies has played a crucial role, particularly in post-socialist countries of Eastern Europe. (Sadurski, Wojciech, 2008).

In these contexts, constitutional adjudication has contributed significantly to the implementation, development, and strengthening of constitutional norms, democratic governance, and the rule of law during periods of institutional transition. When confronted with complex cases that open the door to excessive judicial activism, constitutional courts—at least in theory—have a range of strategies at their disposal. They may adopt a minimalist approach, relying on techniques such as judicial avoidance or the exercise of “passive virtues,” rather than engaging in direct confrontation with political institutions or public opinion. Conversely, when pursuing a more ambitious and activist agenda, courts may develop new concepts and doctrines or creatively reinterpret existing standards.

Once a question of abstract or concrete constitutional review is referred and all procedural conditions are met, the constitutional court, as the final authority, is obliged to provide an answer. While procedural strategies for avoiding cases are not entirely impossible, they require substantial argumentative effort and remain exceptional. In all categories of its decision-making and in every case brought before it, the Constitutional Court engages in constitutional interpretation, extracting the concrete meaning of specific constitutional provisions.

A “living constitution” is one that evolves, changes its meaning over time, and adapts to new circumstances without undergoing formal amendment. Such references reflect the influence of contemporary developments in constitutional justice in Europe and beyond on Albanian constitutional jurisprudence, particularly the standards developed by the European Court of Human Rights (ECtHR), which has consistently held that the European Convention on Human Rights is “a living instrument” that must be interpreted in light of present-day conditions. Convention standards should not be regarded as static, but rather as reflecting evolving social realities. This dynamic or evolutionary interpretation of the Convention implies that teleological interpretation—focused on the purpose and object of rights—is of particular importance for the further development of the law. The ECtHR has repeatedly emphasized the need for rights to be “practical and effective,” rather than theoretical or illusory. According to the Court’s case-law, the Convention must be interpreted and applied in a manner that ensures real and effective protection of individual rights. A failure to adopt a dynamic and evolutionary approach would risk turning the Convention

into an obstacle to reform or improvement. ([Tyrer v UK](#) (1978), *Airey v. Ireland* (1979). Returning to the doctrine developed by the Albanian Constitutional Court concerning the Constitution as a “living instrument,” the Court has emphasized that: “Pursuant to the powers conferred by Article 124 of the Constitution, the role and function of the Constitutional Court is to ensure, through its decisions and interpretative activity, that the Constitution remains ‘alive’. This means that the Court adapts constitutional interpretation to the evolution of societal values, ensuring that new values—perhaps not contemplated by the framers of the Constitution—receive recognition, dignity, and above all, constitutional protection”. The Albanian Constitutional Court has explicitly embraced this concept in its jurisprudence, stating that the Constitution must be interpreted as a “living instrument” in order to ensure the most reasonable and effective meaning possible. (Constitutional Court of Albania, Decision no. 2, 2012). The Constitutional Court has further emphasized that, pursuant to Article 124 of the Constitution, its role is to ensure—through constitutional interpretation—that the Constitution remains responsive to the evolution of social values, granting constitutional protection to interests and values that may not have been foreseen by the framers (Constitutional Court of Albania, Decision no. 9, 2016). In several decisions, the Court has acknowledged that constitutional interpretation necessarily evolves over time due to the open-textured nature of constitutional language and changing social circumstances (Constitutional Court of Albania, Decision no. 49, 2014). At the same time, the Court has cautioned against excessive judicial activism, recognizing that constitutional interpretation must not lead to the creation of new norms that fall within the exclusive competence of the legislature (Constitutional Court of Albania, Decision no. 20, 2007). In the Albanian context, the doctrine of the Constitution as a “living instrument” has served as the primary jurisprudential tool through which the Constitutional Court legitimizes its role as an interpreter responsive to social change, while simultaneously navigating the delicate boundary between constitutional interpretation and judicial activism. This interpretative doctrine constitutes the conceptual framework through which the Court’s responsiveness to social change—examined in the following sections—may be critically assessed, particularly in light of its alignment with European constitutional standards and the jurisprudence of the European Court of Human Rights.

3. From constitutional principles to social impact: the Albanian Constitutional Court

Socio-Economic and cultural rights are protected under a wide range of international and regional instruments, as well as within national constitutions. The International Covenant on Economic, Social and Cultural Rights (ICESCR) remains the most comprehensive treaty providing international protection for these rights. Social change may be understood as any significant transformation over time in behavioral patterns, cultural values, and social norms.

The promotion and protection of social rights are therefore not only matters of political decision-making, but also of judicial engagement. Courts, like all public institutions, are required to respond to social change by shaping and consolidating social values and

norms in a manner that ensures societal sustainability. At a minimum, social change generates legal and constitutional challenges that require judicial resolution, (Ronald Sackville, "Court and Social Changes, 2004). Public acts subject to constitutional review may directly alter legal relationships between individuals, interest groups, and public institutions, thereby influencing broader social and political dynamics, (Douglas NeJaime Loyola, 2013). Nevertheless, measuring the social, political, and economic impact of Constitutional Court decisions remains a complex task.

This analysis focuses on two main groups of decisions of the Albanian Constitutional Court: (i) decisions addressing the rule of law, cultural heritage, and constitutional values enshrined in Article 3 of the Constitution; and (ii) decisions concerning fundamental rights, with particular emphasis on socio-economic rights protected under Chapter IV (Articles 49–58) of the Constitution and the right to property protected under article 41 of the Constitution.

(a) The Rule of Law, National Heritage, and Constitutional Values in Albanian Constitutional Jurisprudence

Article 3 of the Constitution of the Republic of Albania establishes the fundamental pillars of the state: independence, territorial integrity, human dignity, rights and freedoms, social justice, constitutional order, national heritage, pluralism, national identity, and religious coexistence. The state is constitutionally obliged to respect and protect these values. In several high-profile cases brought by one-fifth of the Members of Parliament, the Constitutional Court was called upon to assess the constitutionality of governmental acts with significant social and political implications.

In the case concerning the so-called Migration Agreement between the Albanian and Italian governments, the Constitutional Court was seized by one-fifth of the members of Parliament, who requested a declaration of unconstitutionality of the Protocol "On strengthening cooperation in the field of migration" (Constitutional Court of Albania, 2024). According to the applicants, the President had not granted authorization for negotiations and signature of the Protocol, in breach of the rule of law as provided in Articles 3 and 4 of the Constitution. Furthermore, migrants transferred to Albania under the Protocol were excluded from the enjoyment of fundamental rights guaranteed to foreigners, including freedom of movement, education, employment, freedom of assembly, and freedom of religion. The Constitutional Court upheld the validity of the Migration Agreement, allowing its implementation (Constitutional Court of Albania, 2024). However, *post factum* developments revealed significant implementation problems, including the return of migrants to Italy following decisions of Italian courts. The agreement also raised serious legal and political concerns at the European level, particularly regarding compliance with EU *acquis communautaire* standards on migrant protection. Despite constitutional review, the decision remains highly controversial from a social and political perspective, reflecting the Court's cautious approach in balancing constitutional scrutiny with geopolitical considerations. However, subsequent developments revealed serious implementation challenges, including the return of migrants to Italy following decisions of Italian courts and ongoing legal controversies at the EU level. Despite having exercised constitutional review, the Court's decision has remained socially and politically

contested, particularly given the broader implications for human rights guarantees and Italy's relationship with the European Union, especially with European Court of Justice, (Euronews, 2025, January 31, Italian court refers asylum seekers' case to European Court of Justice in challenge to Meloni's migration deal).

Similarly, in the case concerning the Butrint Agreement, one-fifth of the members of Parliament requested the annulment of Law no.50/2022, arguing that the delegation of management of a national cultural heritage site to a private foundation undermined national identity and cultural heritage protected under Article 3 of the Constitution (Constitutional Court of Albania, 2024). The applicants maintained that the state could not renounce its constitutional obligation to preserve and administer Butrint National Park as a representative of national heritage. The Court, nevertheless upheld the law, and however, did not adopt an expansive interpretation of constitutional heritage protection in relation with *rule of law* principles.

In another significant case concerning amendments to the law on protected areas, brought by members of Parliament and environmental NGOs, the Constitutional Court reviewed Law no. 21/2024, which allowed tourism development in previously protected zones (Constitutional Court of Albania, 45/2025). The applicants argued that the law violated the principle of intergenerational solidarity enshrined in the Preamble of the Constitution. The Court nevertheless upheld the law, thereby missing an opportunity to reinforce constitutional environmental values and to guide public decision-making in line with Article 3 of the Constitution. The Court declined to annul legislative changes that allowed luxury tourism development in protected zones, despite claims that such changes violated intergenerational solidarity and environmental protection principles. Moreover, the Court failed to apply the spirit and objectives of the Aarhus Convention, particularly with regard to the fundamental importance of effective public participation in parliamentary decision-making procedures. (Minority of judges at the decision no. 45/2025 of Constitutional Court). Taken together, these cases do not demonstrate a consistent or conscious constitutional approach linking the rule of law, cultural heritage, and environmental protection as interdependent constitutional values. A more robust jurisprudence in this area could have provided an evolutionary impulse toward strengthening constitutional values as institutional and societal foundations of the Albanian state.

(b) Justiciability of Socio-Economic Rights in Albanian Constitutional Jurisprudence

The right to property, protected under Article 41 of the Constitution, embodies both a private and a social function. Economic, social, and cultural rights are further guaranteed under Chapter IV of the Constitution (Articles 49–58), including the rights to work, social protection of labour, health care, education, and social assistance.

Judicial enforcement of human rights is fundamental, given that a right without an effective remedy risks becoming merely illusory. While courts are not the sole mechanism for the protection of socio-economic rights, judicial review plays a crucial role in clarifying their scope, providing remedies for violations, and promoting systemic institutional reform.

The Albanian Constitutional Court has played an active role in adjudicating property-related disputes arising from Albania's complex post-communist transition,

involving former owners, legalized occupants, and socially vulnerable groups such as the homeless. Its jurisprudence in this field has been significantly influenced by the case law of the European Court of Human Rights, particularly regarding Article 1 of Protocol No. 1 to the ECHR. Although legislative efforts to resolve property issues have faced persistent challenges, the Court's decisions have shaped institutional behaviour and facilitated dialogue between affected social groups and the legislature. The Constitutional Court's jurisprudence on property rights reflects the dual private and social function of property under Article 41 of the Constitution (Constitutional Court of Albania, 2007). This interpretation has been heavily influenced by the complex historical, social, and economic processes related to restitution, legalization, and privatization of property in Albania. Over time, the Court has developed its reasoning in light of the jurisprudence of the European Court of Human Rights, particularly Article 1 of Protocol No. 1 of the European Convention on Human Rights (Constitutional Court of Albania, 2010). The Court's decisions have significantly shaped social and institutional behavior, with former owners, legalized occupants, and homeless persons viewing the Constitutional Court as a key mediator between citizens and the legislature. In several cases, the Court has upheld constitutional guarantees related to fair compensation and legal certainty (Constitutional Court of Albania, 2010).

With regard to the right to work and freedom of profession under Article 49 of the Constitution, the Court has adopted a more robust approach. It has emphasized that freedom of profession is not merely a social right, but also a negative liberty that protects individuals from unjustified state interference. Regarding the right to work and freedom of profession, the Court has consistently emphasized that Article 49 of the Constitution protects not only social interests but also negative liberties against undue state interference (Constitutional Court of Albania, 2009).

In a case concerning government decisions aimed at preventing nepotism in public administration, the Court declared the measures unconstitutional due to the lack of a legal basis and failure to respect the principle of proportionality under Article 17 of the Constitution (Constitutional Court of Albania, 2009). In another case concerning the mandatory retirement age of notaries, the Court held that setting an age limit of 65 years did not violate constitutional rights but rather served the public interest by ensuring professional standards and legal certainty (Constitutional Court of Albania, 2011). In its landmark decision no. 9/2010 on the so-called lustration law, the Constitutional Court ruled that indefinite exclusion from public office violated the right to work and failed to meet the proportionality test under Article 17 of the Constitution (Constitutional Court of Albania, 2010). The Court emphasized that democratic consolidation and individual rehabilitation must be taken into account when imposing such restrictions. Later, in decision no. 2/2017, the Court upheld the constitutionality of the vetting law, recognizing the necessity of extraordinary measures to restore public trust in the judiciary and combat corruption (Constitutional Court of Albania, 2017). While the process led to significant institutional disruption, (European Commission. (2023). Albania 2023 Progress Report. Directorate-General for Neighbourhood and Enlargement Negotiations), the Court prioritized systemic reform over individual consequences, (E. Toska, Re-evaluation process, due legal

process and integrity of the justice system”, 2017).

The Court has adopted a more restrained approach regarding social objectives under Article 59 of the Constitution. In its decisions no. 10/2013 and no. 14/2013, the Constitutional Court clarified the distinction between enforceable social rights and non-justiciable social objectives, emphasizing that the latter depend on available state resources and policy choices (Constitutional Court of Albania, 2013a; 2013b). Consequently, the Court has demonstrated considerable restraint in cases involving persons with disabilities, consistently characterizing social benefits as “social objectives” under Article 59 of the Constitution rather than enforceable rights. By excluding such objectives from constitutional adjudication, the Court has limited judicial protection for some of the most vulnerable groups in society.

Overall, the Constitutional Court’s jurisprudence on socio-economic rights reflects a differentiated approach, marked by stronger judicial engagement in matters of property and labour-related freedoms, but notable restraint in relation to social objectives under Article 59 of the Constitution, thereby limiting the justiciability of rights affecting the most vulnerable groups in society.

4. Conclusion

The analysis demonstrates that the Constitutional Court of Albania has, in several instances, positioned itself as a responsive constitutional actor to social and political change, particularly in the fields of property rights and labour-related freedoms. In these areas, the Court has shown a willingness to interpret constitutional norms dynamically, adapting them to evolving social realities. However, in other fields—such as environmental protection, cultural heritage, and the protection of persons with disabilities—the Court has adopted a more restrained approach, thereby missing opportunities to provide an evolutionary impulse to constitutional values.

This uneven jurisprudence confirms that the role of the Constitutional Court as an agent of social change remains contingent upon its willingness to engage in dynamic constitutional interpretation in line with contemporary social realities. Constitutional norms have the potential not only to regulate social relations, but also to provoke social movements and shape social identities. Social-legal disputes and their constitutional adjudication should therefore be encouraged and tested, as they may formulate future evolutionary premises for social emancipation and the strengthening of democracy. In several of the decisions analyzed above, the Constitutional Court could have provided a stronger evolutionary impetus to values such as environmental protection and cultural heritage. At the same time, the Court should, going forward, strengthen the guarantees afforded to individuals through constitutional complaints, by improving and, where necessary, revising its often-debated jurisprudence, with a view to reinforcing the rule of law.

In conclusion, it may be stated that the Constitutional Court, like all other state institutions, is bound by the Constitution, while simultaneously possessing the authority to provide its final and authoritative interpretation. The principle of the separation and balance of powers applies equally to the institution entrusted by the Constitution with the task of safeguarding that very principle. In this sense, the

Constitutional Court does not have the formal competence to amend the Constitution, nor is it permitted to usurp the powers attributed to the legislature. Nevertheless, the Court must not allow itself to be constrained by excessive self-restraint or institutional fear, and thereby fail to fulfil its evolutionary role. On the contrary, the Constitutional Court is called upon to respond to ongoing social change and contemporary societal dynamics through its jurisprudential standards, which must necessarily reflect such changes.

The interpretation of the Constitution by the Constitutional Court of Albania in a spirit of justice and in accordance with social expectations remains a significant challenge. Indeed, for every society, the continuous enhancement of standards for the protection of human rights, fundamental freedoms, and constitutional principles remains an enduring and fundamental challenge. Ultimately, the legitimacy and authority of the Constitutional Court of Albania will depend on its ability to strike a careful balance between judicial restraint and constitutional evolution, ensuring that the Constitution remains not only a foundational legal text, but a living instrument capable of responding effectively to the changing needs and values of Albanian society.

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Determinants of Patient Satisfaction in Hospital Telemedicine: A Multidimensional Analysis

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Abstract

Background: Patient satisfaction is a core indicator of telemedicine quality and efficiency, particularly in hospital-based settings characterized by higher clinical complexity and patient expectations. A multidimensional evaluation of satisfaction determinants is essential for optimizing digital health services.

Aim: This study aimed to assess the structural, communicational, and economic determinants of patient satisfaction in hospital telemedicine consultations and to identify independent predictors of overall satisfaction.

Methods: A cross-sectional study was conducted among 63 patients who received synchronous hospital telemedicine services. Satisfaction was evaluated across multiple domains including access, waiting time, communication quality, technological information, trust in physician, cost savings, financial impact, and overall satisfaction. Descriptive statistics summarized central tendencies. Spearman correlation coefficients assessed associations between determinants, and generalized linear models (GLM) with gamma distribution and log link were applied to identify independent predictors. Statistical significance was set at $p < 0.05$.

Results: Overall satisfaction was high (mean 4.29 ± 0.69). The highest scores were observed for cost savings (4.51 ± 0.58) and trust in physician (4.40 ± 0.60). Strong positive correlations were identified between cost savings and financial impact ($r = 0.952$, $p < 0.001$), cost savings and satisfaction quality ($r = 0.920$, $p < 0.001$), trust and satisfaction ($r = 0.810$, $p < 0.001$), and communication and satisfaction ($r = 0.742$, $p < 0.001$). In multivariable GLM analysis, cost savings ($\beta = 0.41$, $p < 0.001$) and trust in physician ($\beta = 0.29$, $p = 0.002$) remained significant independent predictors.

Conclusion: Patient satisfaction in hospital-based telemedicine is determined by interconnected economic, relational, and organizational factors. Financial benefits and trust-building mechanisms play dominant roles, highlighting the need for policies that strengthen communication quality and economic accessibility in digital hospital services.

Keywords: telemedicine, patient satisfaction, hospital care, access to care, digital health, health services research

Introduction

Digital health refers to the use of information and communication technologies to improve disease management, health service delivery, and healthcare system efficiency (1).

Within this broader framework, telemedicine represents the remote provision of clinical services using digital platforms for diagnosis, treatment, prevention, and follow-up care (1,2). The World Health Organization defines telemedicine as the delivery of healthcare services where distance is a critical factor (1). A broader term, telehealth, encompasses not only physicians but also other health professionals (2). The evolution of telemedicine has progressed from early telephone-based consultations

to modern telemonitoring systems (3,2). The expansion of internet connectivity and digital imaging has transformed hospital-based telemedicine (4).

From an economic perspective, telemedicine has been described as a potentially cost-effective intervention (5,6). Health economic evaluations frequently employ indicators such as quality-adjusted life years (QALYs) (7).

However, methodological heterogeneity remains an important limitation in the literature (8).

Patient satisfaction is widely recognized as a key indicator of healthcare quality (9). In telemedicine settings, satisfaction is influenced by multidimensional determinants (10). Hospital-based telemedicine may present distinct determinants compared to primary care settings (11).

The objective of this study was to comprehensively evaluate the multidimensional determinants of patient satisfaction in hospital-based telemedicine services. Specifically, the study aimed to examine structural (access and waiting time), communicational (quality of communication and information provided), and economic (cost savings and perceived financial impact) factors associated with telemedicine consultations, and to identify independent predictors of overall patient satisfaction using multivariable generalized linear modeling.

Methods

This cross-sectional study was conducted in a hospital-based telemedicine setting in Korçë, Albania, among adult patients who received synchronous telemedicine consultations for diabetes management between the Regional Hospital of Korçë and tertiary-level endocrinologists at the University Hospital Center “Mother Teresa” (QSUT). Participants were recruited consecutively immediately after telemedicine encounters, and data were collected through a structured, interviewer-administered questionnaire designed to capture multidimensional satisfaction domains. The instrument assessed access and waiting time (structural factors), communication and information provided (communicational factors), and perceived cost savings and financial impact (economic factors), as well as overall satisfaction, using Likert-type scales. Descriptive statistics summarized satisfaction scores, while Spearman’s rank correlation was used to evaluate associations between ordinal satisfaction determinants. To identify independent predictors of overall satisfaction, a generalized linear model with Gamma distribution and log link was fitted, with candidate predictors entered simultaneously, and statistical significance set at $p < 0.05$.

Results

Descriptive statistics indicated high levels of satisfaction across all evaluated dimensions of hospital telemedicine services. The highest mean scores were observed for cost savings (4.51 ± 0.58) and trust in physician (4.40 ± 0.60), followed by financial impact (4.35 ± 0.64) and communication quality (4.32 ± 0.66). Overall satisfaction was also high (4.29 ± 0.69). Slightly lower but still favorable scores were reported for access to telemedicine (4.21 ± 0.73), information provided (4.18 ± 0.71), and waiting time satisfaction (4.05 ± 0.81), which showed the greatest variability. (Table 1)

Table 1. Descriptive statistics of satisfaction dimensions

Variable	Mean \pm SD
Access to telemedicine	4.21 \pm 0.73
Waiting time satisfaction	4.05 \pm 0.81
Communication quality	4.32 \pm 0.66
Information provided	4.18 \pm 0.71
Trust in physician	4.40 \pm 0.60
Cost savings	4.51 \pm 0.58
Financial impact	4.35 \pm 0.64
Overall satisfaction	4.29 \pm 0.69

Correlation analysis demonstrated strong and statistically significant associations between several satisfaction determinants. The strongest relationship was observed between cost savings and financial impact ($r = 0.952$, $p < 0.001$), followed by cost savings and satisfaction quality ($r = 0.920$, $p < 0.001$). Trust in physician was strongly correlated with overall satisfaction ($r = 0.810$, $p < 0.001$), while communication quality also showed a strong association with satisfaction ($r = 0.742$, $p < 0.001$). Information provision was strongly related to trust ($r = 0.785$, $p < 0.001$). Waiting time demonstrated a moderate but statistically significant correlation with satisfaction ($r = 0.462$, $p = 0.001$). (Table 2)

Table 2. Correlations between satisfaction determinants

Variables	r	p-value
Cost savings – Financial impact	0.952	<0.001
Cost savings – Satisfaction quality	0.920	<0.001
Trust – Satisfaction	0.810	<0.001
Information – Trust	0.785	<0.001
Communication – Satisfaction	0.742	<0.001
Waiting time – Satisfaction	0.462	0.001

In multivariable generalized linear modeling, cost savings ($\beta = 0.41$, $p < 0.001$) and trust in physician ($\beta = 0.29$, $p = 0.002$) remained independent predictors of overall satisfaction, while communication quality showed a weaker but significant contribution ($\beta = 0.18$, $p = 0.018$). Waiting time did not retain statistical significance in the adjusted model ($p = 0.142$). (Table 3)

Table 3. GLM predictors of patient satisfaction

Predictor	β	SE	p-value
Cost savings	0.41	0.09	<0.001
Trust in physician	0.29	0.08	0.002
Communication quality	0.18	0.07	0.018
Waiting time	0.07	0.05	0.142

Discussion

The findings of this study are consistent with the digital health transition described in Albania (12).

The predominance of older users aligns with international evidence showing that telemedicine use increases with age but remains limited by digital barriers (13,14).

The strong role of cost savings supports previous economic evaluations demonstrating reductions in travel burden and indirect healthcare costs (6,15).

The importance of trust and communication quality aligns with established communication frameworks in virtual care (16,10).

The positive association between education and trust corroborates findings suggesting that digital literacy enhances confidence in telehealth services (17).

Overall, the multidimensional predictors identified are in line with international literature highlighting access, efficiency, trust, and economic benefit as core determinants of telemedicine satisfaction (18–20).

Conclusions

Patient satisfaction in hospital-based telemedicine is a multidimensional construct influenced primarily by economic and relational determinants. Cost savings and trust in physician emerged as the strongest independent predictors of overall satisfaction, underscoring the importance of financial accessibility and high-quality physician–patient interaction in virtual care settings. Although communication and waiting time were associated with satisfaction, their influence was less pronounced in the adjusted model.

These findings suggest that hospital telemedicine programs should prioritize strategies that enhance patient trust, ensure clear and effective communication, and maximize perceived financial benefits. In resource-constrained settings, the economic value of telemedicine may serve as a key factor for long-term sustainability and patient acceptance.

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Suspension of terms of detention - Albanian practice

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Abstract

The right to freedom and security is one of the fundamental human rights, enshrined in Articles 27 and 38 of the Constitution of the Republic of Albania¹. As a fundamental human right, which is a condition for enjoying other constitutional rights, it is guaranteed by the exhaustive constitutional provisions, which provide for cases of restriction of personal freedom. According to the constitutional provisions of Article 27, one of the cases when personal freedom is restricted is: “when there are reasonable suspicions that he has committed a criminal offense or to prevent his commission of a criminal offense or his removal after committing it”.

So one of the cases of restriction of freedom is related to the criminal proceedings initiated against the person suspected of committing the criminal offense.

Further regulation of the restriction of this right is done in laws adopted by qualified majority, such as the Criminal Procedure Code. This Code provides for the restriction of personal freedom through the imposition of security measures of a personal character. Security measures are decisions taken by the courts that limit the freedom of movement, partially or completely. One of the security measures that completely limit the freedom of movement is also the measure of security arrest in prison, or detention. Being an extreme measure of restriction of freedom, it is subject to legal deadlines during criminal proceedings, the transfer of which leads to a loss of power, in the framework of guaranteeing the conduct of the trial within a reasonable time. As the security measure arrest in prison(detention), loses its power with the passage of legal deadlines, the defendant and the defense counsel try to meet these deadlines with unfair procedural requirements. For this reason, the lawmaker has decided to suspend the terms of detention, due to these subjective behaviors of the defendant and his defense counsel. In practice, there are problems with the suspension of detention terms, when persons are co-defendants in a related proceeding. These and not only will be part of the treatment in this article.

Keywords: personal freedom, detention, loss of power, suspension of term, related proceeding, etc.

1. Right to safety and freedom in ECHR

Article 5 of the ECHR² provides for the right to liberty and security, unlike the

¹ Article 27.1. No one shall be deprived of his liberty except in cases and in accordance with procedures provided by law. The freedom of the person may not be limited, except in the following cases: (c) when there are reasonable suspicions that he has committed a criminal offense or to prevent his commission of the criminal offense or his removal after its commission;

² Article 5 The right for freedom and security “1. Everyone has the right to personal freedom and security. No one may be deprived of his liberty, except in the following cases and in accordance with the procedure provided by law:

c. when he is legally arrested or detained for bringing himself before the competent judicial authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing or leaving the offence after having committed it;

4. Any person whose liberty has been taken away by arrest or imprisonment has the right to appeal to the court in order for the latter to decide, within a short time, on the legality of his imprisonment and to order his release, if the imprisonment is unlawful.

Albanian Constitution which provides literally for the right to freedom. One of the cases that this provision provides is the restriction of freedom of movement due to the criminal proceedings initiated. The removal of freedom through security measures, such as detention, brings the obligation for the state to guarantee the safety of this individual as long as he keeps him in these institutions.

The ECHR has provided for exhaustive cases of when freedom of movement is restricted and that this restriction is made by an impartial judicial authority, which controls the implementation of strict legal procedures and detention within reasonable time limits and the termination of the trial within reasonable time limits. The most severe measure that completely restricts freedom of movement is that of arrest in prison.

The European Court of Human Rights in its case-law has consistently emphasized the sufficiency of an adequate justification and justification in terms of detention or house arrest. The ECtHR has in a number of cases stated that the reasoning of domestic courts will always be considered inappropriate if it is "abstract" or "stereotypically based" ("*Clooth v. Belgium*" case, ECtHR 12.12.1991; *Yagci and Sargin v. Turkey* case; ECtHR 23.05.1995).

As noted by the ECtHR, a person accused of a crime should be free pending trial except in those cases where the state can show that there are "sufficient and sufficient grounds to justify the continuation of the detention" (*Wemhoff v. Germany* ECHR 1968; *Jablonsky v. Poland* case 21.12.2000). In accordance with the ECHR, our constitution guarantees for the protection of this right.

2. Freedom of movement in the Constitution of the Republic of Albania

Freedom of movement is one of the most important and fundamental human freedom, which guarantees our free movement, inside and outside the country. As one of the fundamental freedoms, it is guaranteed by the Constitution of the Republic of Albania, as the highest law in the country. Thus, Article 38 of it provides for the right to move freely both inside and outside the country³.

The Constitution provides that the limitation of this right, that is, freedom, is done exhaustively according to the cases defined in it⁴. One of the cases is: "*c) when there are reasonable suspicions that he has committed a criminal offense or to prevent his commission of the criminal offense or his removal after committing it*", i.e. the restriction of freedom due to the criminal proceedings initiated.

³ Article 38.1. Everyone has the right to choose his place of residence and to move freely in any part of the territory of the State. 2. No one may be prevented from going abroad freely.

⁴ Article 27 1. No one maybe deprived of his liberty, except in cases and according to procedures provided by law. 2. The liberty of the person may not be restricted, except in the following cases: (a) when he has been sentenced to imprisonment by the competent court; b) for non-compliance with the lawful orders of the court or for non-compliance with any obligation prescribed by law; (c) where there is reasonable suspicion that he has committed a criminal offence or to prevent his commission of a criminal offence or his removal after it has been committed; ç) for the supervision of the minor for educational purposes or for his association with the competent authority; d) when the person is a spreader of a contagious disease, mentally incapacitated and dangerous to society; f) for illegal entry at the state border, as well as in cases of deportation or extradition. 3. No one maybe deprived of his liberty solely because he is unable to fulfil a contractual obligation.

Further, the Constitution also provides for trial within a reasonable time when the person is detained⁵.

Constitutional provisions are guarantor such as also the jurisdiction of the Constitutional Court on these matters.

In many of its decisions⁶, this court has stated that: *“In essence, the imposition of security measures is related to the violation of the right to personal freedom, provided by Articles 27, paragraphs 1 and 2, letter “c” and 28, point 3, of the Constitution and Article 5, point 1, letter “c” of the ECHR, which, in this case, cannot be limited without a court decision. Consequently, based on the principle iura novit curia, the right to freedom of movement will be analysed in terms of the right to personal freedom intervened with the right to due process of law. Article 42 of the Constitution provides that personal freedom cannot be violated without a due process of law and that everyone, for its protection, has the right to a fair trial.*

The Court has held that the conditions, criteria and procedures for the designation, application, re-evaluation, substitution and judicial control of security measures, in particular those of arrest, are directly related to the respect for human rights and fundamental freedoms, specifically to the freedom of the person, and that these procedures should have a judicial character and provide adequate guarantees according to the type of deprivation of liberty⁷.

The Constitution, as a warrantor act and source for all other rights, cannot be the final regulator of the procedure of restriction of freedom. The procedure, cases, causes are regulated by the Code of Criminal Procedure.

3. Limitation of personal freedom according to the Code of Criminal

As we said above, the Constitution, as a warrantor act, of freedoms and fundamental human rights, exhaustively provided for cases of restriction of freedom.

One of the cases regulated by the Criminal Procedure Code is the case of restriction of freedom according to Article 27 of the Constitution: *“when there are reasonable suspicions that he has committed a criminal offense or to prevent his commission of the criminal offense or his removal after its commission”, or, to put it another way, the case of restriction of freedom due to the criminal proceedings initiated.*

In this case, the restriction of freedom is due to a criminal proceeding initiated, so that he is not allowed to commit criminal offenses anymore, or not to leave after committing it so that in the end he is held criminally responsible for the criminal offense committed.

The above case is known in the code as the case of imposing personal security measures of restrictive character.

3.1. Assignment of personal security measures under the Criminal Procedure Code

The restriction of freedom of movement for the purposes of criminal proceedings is done through security measures of a personal coercive character. The Code has

⁵ Article 28 “3. The detainee has the right to appeal against the judge’s decision. He has the right to be tried within a reasonable time or to be proceeded freely against a pecuniary guarantee according to law.

⁶ Constitutional Court Decision no. 63 dated 23.03.2023.

⁷ See the decision n. 40, dated 18.07.2012; no.28, datè 23.06.2011 Constitutional Court

provided for general and special conditions when these measures are imposed, when a person has a reasonable suspicion based on evidence of committing a criminal offense, when he is in danger of absconding, when he damages the evidence and when he can commit criminal offenses⁸.

After meeting the general conditions, the court, when it considers that there are insurance needs, must find a fair ratio between the insurance needs and the criminal offense committed. The higher the insurance needs, the more severe the insurance measure will be⁹.

The most severe measure that completely restricts freedom of movement is prison arrest, which is imposed when any other measure is inadequate and when security needs are particularly high¹⁰.

Referring to this provision, it is expressly sanctioned that imprisonment is given as a measure of last resort and when any other measure is inappropriate, this refers to the coercive character that this measure has and the consequence it brings for the person to whom it is applied, which is the deprivation of liberty.

4. Time limits for the precautionary detention in prison

Security measure Precautionary detention in prison, is the most severe measure, which completely restricts freedom of movement. Under these conditions, it is always subject to periodic control during the implementation of this measure every two months, the prosecutor informs about the state of the proceeding and the security needs¹¹. But of course, in addition to the periodic control of the implementation of

⁸ Article 1 . Conditions for the establishment of personal security measures. No one may be subject to personal security measures if there is no reasonable suspicion in his charge, based on evidence.2. No measure may be applied when there are grounds for impunity for the termination of the criminal offense or punishment.

3. Personal security measures are imposed: a) when there are significant reasons that jeopardize the taking or the veracity of the evidence, based on circumstances that must be specifically indicated in the reasoning of the decision;b) when the defendant has left or there is a risk that he will leave;c) when due to the circumstances of the fact and personality of the defendant there is a risk that he will commit serious crimes or of the same kind as that for which he is prosecuted.

⁹ Article 229 Criteria for imposing personal security measures 1. In determining the security measures, the court takes into account the suitability of each of them to the extent of the security needs to be taken in the particular case. 2. Each measure should be in relation to the importance of the fact and the sanction provided for the concrete criminal offense. The continuity, repetition, as well as the mitigating and aggravating circumstances provided by the Criminal Code are also taken into account.3. When the defendant is a minor, the court takes into account his highest interest and the request not to interrupt the concrete educational processes.

¹⁰ Article 230 Special criteria for establishing the pre-trial detention 1.Pre-trial detention may be ordered only when all other measures are found inadequate because of the particular danger of the criminal offence and of the defendant. 2. Pre-trial detention cannot be ordered against a woman who is pregnant or has a child under the age of 3 years living with her, a person being in a particularly serious health state or who is older than seventy years or a drug-addicted or alcoholic person, who is undergoing a therapeutic programme by a special institution. 3. In the cases referred to in paragraph 2, pre-trial detention may be ordered only where there are reasons of a special importance and for crimes, which are punishable not less than ten years' imprisonment in the maximum term. 4. Minors accused of a criminal misdemeanour may not be arrested.

¹¹ Article 246 Implementation of security measures.

6.Every two months starting from the execution of an arrest decision, the prosecutor shall inform in writing the court establishing the precautionary measure on the conducted investigation activity and the

security measures, the lawmaker has also set deadlines for detention, the cohesion of which is related to the criminal offense for which the person is charged or the criminal proceeding has begun, in the framework of guaranteeing the conduct of the trial within a reasonable time according to Article 42 of the Constitution. The Code provides for terms of detention in any condition and on any scale, so that the person does not remain in detention for long terms. In this way, the prosecutor is obliged to close the investigation and bring the case to trial within these short deadlines, showing the appropriate diligence during the criminal proceedings, especially on the security measures and their timeliness.

Thus, the Code has provided for the duration of security measures, detention, in the preliminary investigation phase, in the trial at first instance and on appeal, the general time limit and when the case is returned for retrial¹².

Since the above terms of detention are generally short, since they for the most serious criminal offense the maximum duration is 12 months, it may happen that they are also exceeded, both for objective reasons and for subjective reasons. Therefore, in order not to miss the terms of detention for subjective reasons and not to lose power, as well as to be released, the Code has provided for the institute to suspend the terms of detention.

5. Suspension of time limits for the precautionary detention in prison

The Institute of Suspension of Detention afflicts a fundamental right such as that of restriction of freedom only by law, as well as of a trial within a reasonable time. In

security needs. The information shall contain data on the status of the proceedings, on the questioning of the defendant and other persons, a description of the information obtained and shall be accompanied by copies of the file's acts. If the prosecutor fails to provide information in due time, the court shall verify the security needs upon request of the defendant or ex officio. The court, after hearing the parties, decides to continue the application of, or to replace or revoke the precautionary measure. Provisions of Articles 248 and 249 of this Code shall apply.

¹² Article 263 Term of detention.

1. Precautionary detention in prison ceases to have effect, if from the beginning of its execution, the following time limits have lapsed without the acts being filed to court:

- a) three months, when proceeding for criminal contraventions;
- b) six months, when proceeding for crimes punishable by up to ten years' imprisonment, in the maximum term;
- c) twelve months, when proceeding for crimes punishable by not less than ten years' imprisonment, in the maximum term, or with life imprisonment.

2. Precautionary detention in prison ceases to have effect, if from the date of submission of the documents to court, the following time limits have lapsed without a conviction decision being issued in the first instance:

- a) two months when proceeding for criminal contraventions;
- b) nine months, when proceeding for crimes punishable by up to ten years' imprisonment, in the maximum term;
- c) twelve months, when proceeding for crimes punishable by not less than ten years' imprisonment, in the maximum term, or with life imprisonment.

3. Precautionary detention in prison ceases to have effect, if from the date of issue of the sentence in the first instance, the following time limits have lapsed, without a decision being issued in the court of appeal:

- a) two months, when proceeding for criminal contraventions;
- b) six months, when proceeding for crimes punishable by up to ten years' imprisonment, in the maximum term;
- c) nine months, when proceeding for crimes punishable not less than ten years' imprisonment, in the maximum term, or life imprisonment.

compliance with these principles, as well as in order to prevent abusive actions of the investigative bodies, the criminal procedural legislation of the states governed by human rights provides for strict detention terms, as they are in our Code of Criminal Procedure. The suspension of the terms of detention is due to the subjective attitude held by the defendant and the defender who, by their conduct, are absent without cause in the process, leave the defendant without a defense or abandon him; or by their manifestly unjust and legally unsupported demands¹³. In this case, the lawmaker has provided for the institute to suspend the terms of detention, although the person is physically in prison, he is not legally and this suspended time is not counted in the terms of detention under Article 263 of the Criminal Procedure Code.

5.1. The practice of the courts with the implementation of the institute of suspension of time limits for the precautionary detention in prison

The implementation of the institute of suspension of security measures, in cases of criminal proceedings with one perpetrator, is not a problem. In these cases, the judge by a reasoned decision, which is also appealable, decides to suspend the terms of detention, while the judicial review is suspended.

Problems arise in those cases, when we have proceedings related to some co-defendants. Under these conditions, when the court costs the unjustified absence of one of the defendants' defendants, it must take the decision to suspend the terms of detention, so that they do not run legally and remain suspended. But in these cases, the practice of the court, especially the special court CCOC is the suspension of the detention terms for all co-defendants and not for the defendant, whose defense attorney has brought subjective and non-legal behavior and is not presented in the process, leaving the defendant without a defense attorney.

In these conditions, a debate arises as to whether the terms of detention are individual or collective and whether the parties in the process should have equal treatment. Will this time be counted as suspended at the time of serving the final sentence to be given by the court. In these circumstances, the necessity of a legal position to be taken by the Supreme Court arise.

5.2. Position of the High Court on suspension of of time limits for the precautionary detention in prison

The High Court stated in its case law that these types of decisions the court should be expressed by a reasoned decision, which is also appealable.

The Court considers that: *"As long as the criminal proceeding and the criminal case at trial has been sent with some co-defendants and as long as the court has not decided with the intermediate place of segregation or division of the case into some such, the effects of the court's intermediate decision-making on the suspension of the terms of detention, according to letter "a" and "b" of Article 265 of the CPC, will be legally extended to all co-defendants tried as a*

¹³ Article 265, Suspension of terms of detention

1. The deadlines provided by Article 263 are suspended by an appealable court decision:

(a) for the time the judicial review has been suspended or postponed due to wrongful acts or requests made by the defendant or his defence counsel, except where the request is made for the taking of evidence;

(b) for the time the judicial review has been suspended or postponed owing to the failure to appear or to dismiss one or more defendants who leave one or more defendants without assistance.

party to that case, regardless of the personal cause of the circumstance that caused the suspension of the terms of detention.”

Specifically, in Article 93 of the CPC, it has provided that the case with some co-defendants can be divided into the circumstances that this provision provides as orientation under paragraph 1 thereof. On the other hand, this provision in paragraph 2 has left the possibility for the division of the case between some co-defendants to be done also for other circumstances, which are also agreed with the agreement of the parties during the trial, when the court considers in this interim decision useful for the purposes of speed of trial. The Court considers that in this way the criminal procedural law has created an opportunity for the parties and the court to recover the eventual negative consequences that the legal regime of Article 265 of the CPC entails on the procedural position of the co-defendants, which do not constitute grounds for interrupting the trial and suspending the terms of detention. They may, in repeated cases of such misconduct, require separation of the case and adjudication on their own.

As long as such a course of criminal proceedings has not been requested and at the same time as it has not been disposed of by the court with the division of criminal proceedings and as long as the criminal proceedings have continued unitary, it cannot be alleged that the intermediate decision of the court to suspend the terms of detention will produce legal consequences only for those defendants who have provoked them. The terms of detention relate to the criminal case sent for trial and for which the trial is being conducted and not individually with the subjects prosecuted and tried in them as defendants.

In interpreting the provision, Article 265 of the CPC, the College also finds the fact that the lawmaker has not conditioned the suspension of the detention terms only for those defendants whose defendants have not appeared at the trial. It is clearly noted that in this case the legislator aimed to discipline the judicial process, which at this stage is unitary and to avoid abusive requests made by defendants that cause the court process to be delayed. Such a provision relates precisely to guaranteeing an uninterrupted due process of law and conducting the trial within a reasonable time, in the name of justice which should be effective.

Conclusions and recommendations

Precautionary detention in prison is the most restrictive measure in relation to freedom of movement. Under these conditions, this security measure (detention) has procedural deadlines at every stage and in every condition as well as comprehensive detention deadlines, which should not be exceeded, the excess of which leads to a loss of the power of detention. In order for this measure not to lose power, due to short deadlines, the lawmaker has decided to suspend the terms of detention.

If we refer to the reasons for the suspension of the terms of time limits for the precautionary detention in prison, they are related to unjust actions and requests of the defender or defendant, or to the failure to appear, or the removal of the defender from the trial. Therefore, the suspension of the terms of detention is decided for reasons that have to do with the behavior of the defendants and their lawyers and not with those of the prosecution body or the court.

When we are in these conditions, the court decides to suspend the terms of detention, by a reasoned and appealable decision. When the proceeding is directed against a defendant, the court's decision to suspend the terms of detention is not problematic. The problem arises when we have several co-defendants in a related proceeding. In these cases when one of the defendants' defendants is missing, the court suspends the detention terms for all other co-defendants even though they have their defendants present. The Code of Criminal Procedure is unclear in this section. The practice of the courts has been different, some have considered individual detention terms, some have not. Under these conditions, the High Court was obliged to interpret this Institute. This court has taken the position that the criminal proceedings are unitary and as long as we are in the conditions of the proceedings related to some co-defendants, the suspension of the detention terms will be for all of them, despite the absence of one of the co-defendants. The Supreme Court's position must be unanimous. Another problem is whether the suspended time of detention will be counted in total detention for the effect of the final sentence given by the court. We think that the legislator should make improvements and adjustments to Article 265 of the Criminal Procedure Code.

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From Agglutination to Compounding: Evolutionary Tendencies in Word Formation in Standard Albanian

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Abstract

Agglutination is one of the most distinctive processes of word formation in the Albanian language, situated at the boundary between multi-word expressions and compound words. Traditionally, in the Albanian language, agglutinated words generally have a binary structure and are formed through the prolonged use of two elements placed next to each other, which, over time, lose their semantic independence and function as a single concept. However, in contemporary Albanian we observe that some agglutinated words do not remain closed structures but tend to evolve into compound words, thus reflecting semantic, structural, and normative developments. These changes also mirror the morphological and lexical evolution of the language, since compounding functions as a productive morphological mechanism that establishes new word-formation patterns.

This paper addresses this phenomenon through a theoretical analysis, mainly based on the word list of the *Dictionary of the Albanian Language* (2006), as well as through practical examples such as *vajgur* (petrol), *qymyrgur* (coal), *panxharsheqer* (sugar beet), etc. In this way, the study aims to argue that agglutination is not merely a word-formation process that fails to produce models, but rather a transitional process that may serve as an intermediate stage toward compounding and the standardization of new lexical units.

Keywords: Word formation, agglutination, compounding (compound words).

1. Introduction

Word formation is one of the main ways through which languages enrich and renew their lexicon. In the Albanian language, the main word-formation processes are derivation, compounding, and agglutination, which are synthetic formations, as well as formation with articles, mixed formations, and locutions, which are word formations with analytical structures. These ways of forming words are not seen as isolated, but interact continuously with one another, creating new lexical structures and reflecting internal developments in the linguistic system of Albanian.

Among the processes mentioned, agglutination occupies a special place, because it represents a type of word formation that is neither a free syntagm nor a consolidated compound. Agglutinated words are units created by the merging of two or more words of a syntagm, which, through prolonged and frequent use over time, have fused into a single word, retaining the same order they had in the original phrase, and where the relationship between the constituent elements is no longer merely syntactic, but becomes a unified lexical and semantic relationship.

Thus, agglutination is often treated as a process situated at the boundary between locutions and compounding, since it displays intertwined features: on the one hand, it retains traces of the open structure (especially in early stages, when the unit may exist in parallel as a locution), while on the other hand it tends toward a closed form,

both graphically and semantically, which is characteristic of compound words. In contemporary Albanian, if we examine the lexical inventory in normative dictionaries, an important tendency becomes apparent: many agglutinated words tend to transform into compound words. This shift is related to various factors: the loss of the semantic meaning of the constituent elements of the agglutinated word, phonetic and morphological consolidation, and the orthographic stability of the unit in the use of standard Albanian.

Therefore, the study of this phenomenon is not only of descriptive interest, but also of theoretical importance for understanding the dynamics of word formation in Albanian and for determining the boundaries between word-formation categories.

2. Agglutination as a dynamic theoretical category in the word-formation system of Albanian

Within the theoretical framework, agglutinated words can be defined as binary units created by the merging of two or more lexical words that function as a single concept. Unlike classical compounds, where the relationship between the components is relatively clear, in agglutinated words there is often a fading of the meaning of the constituent elements.

These units are important because they demonstrate an intermediate stage in the process of word formation: they are no longer free syntagms, that is, locutions from which they originated, but they have not always reached the formal and normative stability that compounds possess. For this reason, agglutination can no longer be seen as a frozen process, but rather as a dynamic and evolutionary process that leads to the formation of further word-formation structures. This can be observed in words such as *vajgur* (*petrol*) or *qymyrgur* (*coal*), etc., which speakers no longer perceive as the combination of two elements, but as distinct designations consolidated in the Albanian lexicon.

3. Agglutination and compounding in the word formation system: differences and interactions

Often, in different languages, it is difficult to distinguish agglutination from compounding, because of their constituent elements and the way these elements are combined. Nevertheless, they may be treated as parts of a single word-formation method called composition. From this perspective, both structures arise from the merging of two or more lexical elements, but they differ in the way they are morphologically organized and in the degree of integration of their components. In contemporary morphological studies, composition is viewed as a process with internal typology and different ways of combining components. Thus, Bauer emphasizes that composition includes a wide range of structures, from clear lexical compounds to agglutinated units that have arisen from frequently used phrases (Bauer, 2003). Booij also considers composition as a process that includes structures with different degrees of formal and semantic integration (Booij, 2005). Meanwhile, Scalise and Bisetto distinguish several main types of compounds, emphasizing that

the boundary between compounds and agglutinated structures is not always clear (Scalise & Bisetto, 2009, p. 49).

On the other hand, in general, compound structures consist of two stems that combine and form a single structure, as in English *waterman*, in Italian *pellerossa*, in German *Schlafzimmer*, etc. In many European languages, compounding is the most productive way of forming new words. In Albanian, within the structure of a compound word, the grammatical relations that exist between the components in the corresponding phrase are neutralized, where these relations find their formal expression (Kostallari, 1972, p. 84). Analyzing the word *vendbanim* (*residence*), Kostallari explains that this word originates from the phrase *vend* (*place*) *banimi* (*of residence*). In the case of the phrase, grammatical relations are expressed by the genitive ending *-i*, whereas in the compound this element disappears. The loss of inflection neutralizes the grammatical relations in the compound and makes it definitively distinct from the phrase. The stems from which a compound structure is built retain relatively clearly their lexical meanings, which allows them to enter into specific and varied semantic-syntactic relations (Kostallari, 1972/I, p. 83). In Albanian, the structures of words such as *hekurudhë* (*railway*), *shitblerje* (*buying-selling*), *zemërmirë* (*kind-hearted*), *duarartë* (*gifted handyman*), etc., consist of two stems that stand in different relations, from which a new word is created.

Since they consist of two or more motivating elements, compound structures are formed more frequently and more easily, but always in accordance with the models that already exist in the respective language. In Albanian, the models for creating compound words have been and continue to be revitalized mainly based on spoken Albanian (Kostallari, 1972/I, p. 89).

In our analysis, we will treat agglutination and compounding as subdivisions of the same word-formation method, due to the similarities they share. This explains the evolutionary development from agglutination to compounding.

Thus, compound words and adjoining words have similarities both in structure and in terms of formation. From a very simple definition of compositions and perhaps even insufficient to give the correct concept of their formation, we could say that they are new word formations that have emerged from the union of two or more words (by words we mean the changeable and unchanging parts of the lecture). Thus, the words *hekurudhë* [*railway*] (compound word) and *gjithmonë* [*always*] (agglutinated word) are formed by the union of two words.

However, on synchronic and diachronic levels, other similar words show that there are differences between them, which also help explain the evolutionary process from agglutination to compounding.

Thus: a) Agglutinated words are combinations of full words, whereas compound words are formed by the merging of two or more stems without paradigmatic formative elements. The constituent elements of an agglutinated word clearly retain the syntactic connections they had in the word group from which they originated (*megjithatë* < *me* + *gjithë* + *atë*; *atëherë* < *atë* + *herë*, etc.). Compound words, since they are formed from stems that clearly retain their lexical meanings, enter specific and varied semantic-syntactic relations on the basis of the syntactic possibilities that exist in the language for linking certain lexical categories (Kostallari, 1972/I, p. 83).

b) The order of the elements that make up an agglutinated word does not change from the order they had in the word group from which it originated (*me gjithë atë -megjithatë*), whereas in compound words this order may change (*gdhendës guri -gurgdhendës*).

c) The meaning of an agglutinated word is equal to the sum of the meanings of the constituent elements of the word group from which it originated, whereas the meaning of a compound word may not be equal to the sum of the meanings of its components (e.g., *veshmbathje*).

d) Agglutinated words may consist of words that are inflected parts of speech, as in *atëherë* < *atë* + *herë* (pronoun + noun); of words that include both inflected and uninflected parts of speech, as in *pasdite* < *pas* + *dite* (preposition + noun); or even of words that are only uninflected parts of speech, as in *meqë* < *me* + *që* (preposition + conjunction). A compound word, however, cannot be formed solely from uninflected parts of speech.

e) Agglutinated words may consist of more than two elements (*me + qenië + se -meqeniëse*), whereas compound words are always binary, even when they consist of more than two word-formation stems, because one of the two members is itself a compound: *atdhe* + *dashuri* -*atdhedashuri* – the first member is composed of *at* + *dhe* (Kostallari, 1972/I, p. 85).

f) In general, agglutinated words are formed through prolonged use next to each other, whereas compound words are acts of creation. They are created based on models that have emerged and developed in the language during the word-formation process. Therefore, compounding is more productive in the formation of new words, because it is based on models, whereas agglutination is spontaneous. However, there are cases in which agglutination may also be considered an act of creation, when, by analogy, other agglutinated forms are created, such as *kushdo*, *cilido*, *ngado*, *kudo*, *tekdo*, etc. (Gramatika e gjuhës shqipe 1, 2002, p. 76).

4. Tendencies of transition from agglutination to compounding: an evolutionary development

Based on the theoretical analysis carried out on these two subdivisions of word formation in the Albanian language, as well as on their concrete observation in Albanian dictionaries (Fjalori i shqipes së sotme, 2006), one of the main findings was that agglutination does not always represent a final stage. On the contrary, a number of these words show a clear tendency toward transformation into compound words. This process of transition is not immediate, but gradual and conditioned by a series of semantic, structural, and normative factors.

4.1 Loss of semantic transparency

One of the main factors in the transition from agglutination to compounding is the loss of semantic transparency of the constituent elements. In the early stages, an agglutinated form may still be perceived as the merging of two words with relatively distinct meanings. But over time, the unit begins to function as a single concept, in which the components are no longer analyzed by the speaker. Thus, the compound

vajgur in contemporary usage is no longer interpreted as “vaj + gur”, but as a unique designation for a specific product (petrol). This semantic autonomy brings the word closer to compounds and places it nearer to consolidated compounds rather than leaving it as an intermediate structure. In this way, agglutination represents a stage in which formal merging is accompanied by semantic unification, and this semantic unification is a prerequisite for transformation into a full compound.

4.2 Structural consolidation and morphological simplification

Another significant factor is the structural consolidation of the unit through morphological simplification. Agglutinated words often undergo phonetic or morphological reduction, losing elements that link them to freer formations. Thus, the transitions *vajguri* (agglutinated word) -*vajgur* (compound word), *lulegoje* (agglutinated word) -*lulegojë* (compound word), and *gushëpëllumbi* (agglutinated word) -*gushëpëllumb* (compound word) show that the words lose, respectively, the endings *-i* and *-e* of an indefinite genitive form that has gradually lost its grammatical function. These cases appear to be becoming increasingly stable.

4.3 Graphic stability and the orthographic norm

The transition from agglutination to compounding is also accompanied by orthographic stability. In many cases, when writing, units that are in a transitional stage display orthographic fluctuation, sometimes written together and sometimes separately, thus creating uncertainty. It is precisely at this stage that the orthographic norm intervenes to determine whether the unit should be treated as an agglutinated word or as a compound. In this way, orthography is not merely a formal issue, but an indicator of the lexical status of the unit and of its development within the system. This shows that the transition from agglutination to compounding is a complex process, and the study of these units has not only theoretical value, but also practical importance, especially in the context of the standardization of the Albanian language. Agglutinated nouns and adjectives of the type *vajguri*, *qymyrguri*, *panxharsheqeri*, *nuselale*, *lulegoje*, *gushëpëllumbi*, etc., in the second element of their structure appear with the endings of the indefinite genitive *-i* or *-e* and are used in the same form both in the indefinite singular (in all cases) and in the definite nominative singular. This is unacceptable for the morphological structure of Albanian (Gramatika e gjuhës shqipe I, 2002, p. 76), as well as for its orthographic system. For this reason, they tend to lose the genitive ending and to be treated increasingly as compound words.

5. Conclusions

The theoretical and practical analysis of agglutinated and compound words in contemporary Albanian shows that agglutination is a dynamic process that exhibits evolutionary tendencies toward compounding.

Agglutinated words often represent intermediate structures between locutions, which

are open structures, and consolidated compounds. This intermediate position explains the graphic fluctuations, normative uncertainties, and structural transformations observed in many of these units.

The transition from agglutination to compounding is influenced by several main factors, such as the loss of semantic transparency of the constituent elements; structural and morphological consolidation; and stability within the orthographic norm.

These factors show that agglutination should not be viewed as a closed category, but as an important stage in the evolution of lexical structures.

From a theoretical point of view, this phenomenon demonstrates that the boundaries between word-formation categories are often fluid and that morphological processes interact dynamically with one another.

From a normative perspective, the study of the transition from agglutination to compounding, as an evolutionary process, is important for establishing criteria of orthographic standardization, so that these units are treated correctly in dictionaries and to clarify the boundaries between agglutination and compounding.

Further studies may expand this analysis through comparison with actual usage in media, administrative, and scientific language, as well as through the representation of these units in more recent normative dictionaries.

The findings of this study suggest that agglutination in Albanian should be interpreted not as a marginal or unproductive process, but as an important transitional mechanism in the evolution of compound formation.

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Active and passive corruption in the private sector as a criminal offense characteristics, problems and their impact on society

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Abstract

The fight against corruption is not only a legal issue, but also a democratic standard and the norm of global justice. Active and passive corruption in the private sector is one of the major challenges that has a direct impact on the regular functioning of the market, economic activity in the private sector, fair competition and trust in economic relations. The private sector, consisting of commercial companies and entities exercising economic activity, is the main engine of a country's economic development, so its integrity constitutes an essential public interest. In this context, Albania has ratified the main international conventions against corruption, including corruption in the private sector, reflecting these standards in the domestic criminal legislation.

This paper analyzes active and passive corruption in the private sector in Albanian criminal law, the difference between corruption in the private and public sectors and the way these offenses are dealt with in judicial practice. Attention is focused on the paradox between the existence of a complete legal framework and the almost total absence of court cases, which leaves these criminal offenses mainly at the formal level. The paper examines the real impact that the promotion of corrupt practices has on the market, undermining fair competition and economic equality between subjects.

A special dimension of the analysis is dedicated to the competition of criminal offenses, exploring the relationship between corruption in the private sector and abuse of powers, as an issue that continues to remain open in theory and practice.

In conclusion, the paper provides concrete recommendations to move from a formal normative framework to a real and effective implementation of the fight against corruption in the private sector.

Keywords: Corruption, private sector, justice reform, Albanian judicial practice, criminal legislation, corrupt behavior, agreements of a criminal nature.

1. Introduction

“Corruption is a special agreement (pactum sceleris) between a public official or other specified entities and a private entity, through which, the former accepts from the latter, for conduct related to his duty, a reward that does not belong to him.”

Corruption is one of the most problematic challenges of a rule of law, which violates not only the normal functioning of state institutions, but also damages public trust in the regular legal activity of state bodies. Although practically nowadays we have often heard about corruption in the public sector, we cannot deny that corruption also appears in the private sector, negatively affecting fair competition, free economic activity and contractual relations between private entities.

In this context, active and passive corruption in the private sector poses a serious risk to economic development and market stability, favoring narrow interests to the

detriment of the principles of legality and transparency that should be implemented in the market economy. One of the purposes of criminal legislation is precisely the protection of important legal relations in the society of a country. In order to protect commercial companies and commercial activities in the private sector, our criminal legislation has provided as criminal offenses certain acts, behaviors and actions committed by certain subjects of criminal law, clearly defining the object to be protected, the objective side of the criminal offense, the subject, the purpose as well as the relevant sanction.

The Criminal Code divides the criminal offenses of Corruption into two categories:

- ✿ In the private sector, in which two criminal provisions are foreseen, which are: Article 164/a of the Criminal Code "*Active corruption in the private sector*" and Article 164/b of the Criminal Code "*Passive corruption in the private sector*".
- ✿ In the public sector, criminal provisions are provided such as Article 244 "*Active corruption of persons exercising public functions*", Article 244/a "*Active corruption of foreign public servants*", Article 245 "*Active corruption of senior state officials or local elected officials*", Article 259 "*Passive corruption of persons exercising public functions*", Article 259/a "*Passive corruption of foreign public servants*", Article 260 "*Passive corruption of senior state officials or local elected officials*".

The legislator has chosen to provide for criminal offenses of Corruption in the private sector in one section, specifically in Section IV, of Chapter III of the Criminal Code. This section includes criminal offenses committed in commercial companies starting from Article 163 to Article 170/b of the Criminal Code. Criminal offences of corruption in the private sector, as opposed to criminal offences of corruption in the public sector, are tried by courts of general jurisdiction in accordance with the provisions of the Code of Criminal Procedure¹ and not by the Court Against Corruption and Organised Crime. This is because these types of criminal offenses are not related to the public functionary but belong to the private sector and the relations of commercial companies.

Commercial companies in the free market economy system are of fundamental importance in dealing with them as they play an important role in the revitalization of the market, the supply of necessary items as well as the development of free private initiative². Also, the constitutional provisions provide how the free exercise of economic activity is ensured by law.

The aim of this paper is to analyze active and passive corruption in the private sector, focusing not only on the Albanian legal framework, but also on how these criminal offenses are dealt with in Albanian judicial practice. Through the review of court decisions and concrete cases, it is intended to identify the approach of the courts, the difficulties encountered in examination and interpretation, as well as the impact of these decisions on strengthening the fight against corruption in the private sector.

2. Definition of corruption

Based on the needs of strengthening the fight against corruption and in support of the United Nations Convention against Corruption³ ratified by the Albanian state

¹ See Article 75/a of the Code of Criminal Procedure of the Republic of Albania.

² Criminal Law, special part, Prof. Dr. Ismet Elezi, pg 252, Tirana 2014.

³ United Nations Convention against Corruption, adopted in 2003 in Merida, Mexico, ratified by the Albanian state with the law no. 9492 dated 13 March 2006.

with the law no. 9492 dated 13.03.2016, ⁴some definitions have been given regarding criminal behaviors which should be provided as criminal offenses in the legislations of the member states. According to the UN Convention on Corruption, we do not have a single and general definition for this concept. But instead of a definition, the Convention deals with corruption through a catalogue of specific criminal offences that ratifying states and parties to it are obliged to provide for in their legislations. Corruption according to the Convention is conceived by:

- As a bribery where we are dealing with the promise, offer or giving, directly or indirectly, an irregular advantage to any person who manages or works in any capacity, in an entity in the private sector, in order for him to act or not act in violation of his duties⁵ (active corruption),
- Seeking or accepting directly or indirectly an irregular advantage of any person who manages or works in any capacity, in an entity in the private sector, in order for him to act or not act in violation of his duties⁶ (passive corruption).
- Criminalization of illegal gain of property in the private sector, when a person who manages or works in a private entity, during economic, financial or commercial activity, intentionally embezzles property, funds, securities or other valuables that have been entrusted to him due to his position.

In the private sector, the UN Convention against Corruption addresses corruption through the criminalization of bribery and embezzlement of wealth, aiming to protect the integrity of economic relations and trust between private entities. Unlike the public sector, these provisions have a more flexible character⁷, reflecting the autonomy of states in the criminal regulation of private activity.

Referring to our current legislation, the Criminal Code of the Republic of Albania maintains the same line in the treatment of corruption as a criminal offense in the private sector.

Corruption is a special criminal agreement (*pactum sceleris*) between a public official or other specified entities and a private entity, through which, the former accepts from the latter a reward that is not due to him, for conduct related to the duty of the functionary such as promise, giving, offering/seeking, receiving (accepting), directly or indirectly, for himself or someone else, a reward that is not due to him, for acting or not acting in the exercise of functions.

3. Legal-Criminal Analysis of Criminal Offenses of Corruption in the Private Sector and Their Similarities with Other Criminal Offenses in the Criminal Code

As we mentioned above, by law no. 8778 dated 26.4.2001 ratified the Criminal Convention on Corruption of the Council of Europe as well as the law no. 9275 dated

⁴ With the law no. 8778 dated 26.4.2001 ratified the Criminal Convention on Corruption of the Council of Europe published in FZ.24-2001, and Law no. 9275 dated 16.09.2004 ratified the additional protocol to the Criminal Convention on Corruption, where 2 criminal offenses were added to our Criminal Code, Article 164/a and Article 164/b.

⁵ See Article 21 of the UN Convention on Corruption, paragraph "a" thereof, on bribery in the private sector.

⁶ Ibid., paragraph "b".

⁷ Article 22 of the UN Convention on Corruption provides that each state party shall consider taking the necessary legislative measures to provide for as a criminal offense..., i.e. it gives flexibility/discretion to the state to determine or not legal regulations in the private sector in the exercise of its sovereignty.

16.09.2004 Albania ratified the Additional Protocol to the European Convention on Corruption. Pursuant to the Council of Europe Criminal Convention on Corruption, the Albanian legislator included for the first time in the Criminal Code the criminal offences of active and passive corruption in the private sector (Articles 164/a and 164/b), expanding the scope of criminal protection to private economic relations in order to guarantee the integrity of commercial activity.

Article 164/a of the Criminal Code provides for the criminal offense of "Active corruption in the private sector" according to which:

"The promise, proposal or giving, directly or indirectly, any kind of irregular benefit, for himself or for other persons, to a person exercising a managerial function in a commercial company or working in any position in the private sector, to perform or not perform an action contrary to his duty or function, is punishable by imprisonment from three months to three years".

Meanwhile, on the other hand, Article 164/b of the Criminal Code provides for the criminal offense of "Passive corruption in the private sector" according to which:

"Seeking or receiving, directly or indirectly, any kind of irregular benefit or such a promise, for oneself or for other persons, or accepting an offer or promise, arising from the irregular benefit, from a person exercising a managerial function or working in any position in the private sector, to perform or not perform an action contrary to his duty or function, is punishable by imprisonment from six months to five years".

Referring to the object of criminal offenses in active corruption, as well as in passive corruption, we can say that the social values that are protected are the legal relationships established to ensure the inviolability of the regular and correct activity in the commercial company or any position in the private sector, specially protected by the criminal legislation from criminal actions or omissions.

The commercial companies provided for in Articles 164/a and 164/b of the Criminal Code are in the first place all those companies which have been established and exercise their economic and commercial activity on the basis of the law no. 9901 dated 14.4.2008 "On merchants and commercial companies". Beyond the provisions made in the law no. 9901 dated 14.4.2008, subject to protection from the two criminal offenses provided by Articles 164/a and 164/b of the Criminal Code, are all legal or natural persons who operate in the private sector through activities in the economic, financial, professional or service fields. Within the meaning of Articles 164/a and 164/b of the Criminal Code, the private sector includes any economic, commercial, financial or professional activity that is not part of the public administration and is not exercised by public officials, within which all private entities operate.

In the elements of the objective side we can notice the essential differences between these two criminal offenses.

The objective side of the criminal offense of active corruption in the private sector is related to the promise, proposal or giving either directly or indirectly an irregular benefit to oneself or to other persons towards the person who exercises a managerial function in a commercial company or works in any position in the private sector. For example, a private company competing to win a supply contract offers the procurement director of another private company a financial reward or gift to favor its bid in order to win the supply contract from that company.

From this example, the characteristics of the elements of the objective side of committing the criminal offense of active corruption emerge, which in summary are the promise, proposal or giving of irregular benefit to a person working for a commercial company. In this case, the criminal offense is considered committed from the moment of making a promise, proposal or giving irregular benefit to the employee of the commercial company. The promise, proposal or granting of irregular benefit is closely related to the request of the author of this criminal offense addressed to the employee who exercises his activity in the commercial company or in the private sector, according to which, the employee must compulsorily perform an action contrary to the duty or function that the employee has in the commercial company or in the private sector.

The objective side of the criminal offense of passive corruption in the private sector consists in the commission of the criminal offense by its perpetrator through the search or receipt directly or indirectly of an irregular benefit for himself or for other persons. This criminal provision incriminates all those actions undertaken by the private sector employee contrary to his duty or function influenced or seduced by the irregular benefit that he seeks, receives or accepts due to his position in the private sector. The actions that constitute the elements of the objective side of this criminal offense are the request, receipt, or acceptance of an offer or promise from the person exercising managerial functions in the commercial company or from the one who works in any position in the private sector. The criminal offense is consummated from the moment when the official of the commercial company or the employee requests, receives, or accepts the offer or promise of irregular benefit. For example, an employee of the department of a private company receives an irregular benefit in the amount of 150,000 ALL from another private company which competes to win a construction contract. In this case, the person misuses his function, duty or work, causing damage to the interests of the company or the activity where he works, against receiving irregular benefit.

Irregular benefit in this case can be monetary wealth, gifts, favors, any material or intangible benefit that is not legally justified.

In corruption in the private sector, the exercise of illegal influence is not foreseen.

With regard to the subject of the criminal offense "Active corruption in the private sector" provided by Article 164/a of the Criminal Code, this category includes any person who has reached the age of criminal responsibility and is responsible (general conditions for criminal liability). This criminal provision does not distinguish between the qualities that the perpetrator of the act of active corruption in the private sector should have. So, in this case, the subject of this criminal offense is any person who is responsible before the law and who has reached the age to take criminal responsibility. Meanwhile, referring to the criminal offense of "Passive corruption in the private sector" provided by Article 164/b of the Criminal Code, we note that the subject of this crime shows some special qualities, specifically, he must be a person who exercises leadership functions or who does not exercise leadership functions but works in the private sector in any position. The perpetrator of this criminal offense is a special subject, as the one who provides the irregular benefit is the person who has a management function in a commercial company operating in the private sector, or any other person who is employed by this company with an employment, service,

representation contract, etc.

The subjective side of the criminal offense of active/passive corruption in the private sector is characterized by direct intent, as the perpetrators are fully aware of the illegal nature of their actions, they have foreseen and desired the coming of criminal consequences. Criminal offenses of active and passive corruption in the private sector are committed in function of mutual benefits, material or immaterial, for oneself or for other persons. On the one hand, the general entity aims to realize an unfair advantage by giving, proposing or offering an irregular benefit to the employee of the commercial company. On the other hand, the employee of the commercial company, through receiving or seeking irregular benefit, commits an unauthorized action that is contrary to his work.

4. Corruption in the private sector and abuse of powers

Another issue discussed in practice is related to the similarities and differences that exist between the criminal offense of "Abuse of powers", provided by Article 164 of the Criminal Code, and the criminal offenses of active and passive corruption in the private sector provided by Articles 164/a and 164/b of the Criminal Code. In a broader sense, the criminal offense of "Abuse of powers" is included in the sphere of criminal offenses in the field of corruption in the private sector, as also in this criminal offense *are present the elements of illegality of the actions committed by the special entity in order to derive an unfair personal benefit, or to favor the personal interests that the special entity may have in other companies operating in the sector private.* The elements of irregular benefit, favoritism and performance of actions contrary to the function or work, are also present in the criminal offenses of corruption in the private sector provided by articles 164/a and 164/b of the Criminal Code.

For this reason, we think that the presentation of the elements and features of criminal offenses of active and passive corruption in the private sector would not be complete if we did not include in it the treatment of the criminal offense of "Abuse of powers" provided by Article 164 of the Criminal Code.

It is worth noting that Article 164 of the Criminal Code, which provides for the criminal offense of "Abuse of powers", to a certain extent, has prevented illegal behavior and actions committed by administrators or members of the supervisory council of commercial companies for the purposes of personal gain or favoring other companies. It has not covered the entire sphere of corruption offences in the private sector. This is also the reason that the legislator in no. 9275 dated 16.09.2004 added to the Criminal Code two more criminal provisions related to cases of active and passive corruption in the private sector.

The criminal offense of "Abuse of powers" is similar to the criminal offenses of "Active corruption in the private sector" and "Passive corruption in the private sector" in the elements of the object, subject and subjective side, while it differs from them in the elements of the objective side.

More specifically, the criminal offense "Abuse of powers" according to Article 164 of the Criminal Code provides that:

"Abuse of powers by members of the supervisory council or administrators of the company for

the purpose of profit or to favor another company in which they have interests is punishable by a fine or imprisonment for up to five years."

This criminal offense is found in the same section of the Criminal Code as the two criminal offenses of corruption which we analyzed above. The object of this criminal offense is the entirety of legal relations established to protect the regular activity in accordance with the law and the statute of commercial companies as well as the property, economic, financial interests from illegal actions committed by administrators or members of the supervisory council. The object of this criminal offense is similar to those of the criminal offenses of corruption in the private sector, as all three criminal provisions aim to protect the regular activity of commercial companies.

Objectively, "Abuse of powers" is carried out by the administrator or members of the supervisory council of the commercial company, by abusing the powers granted by the law or by the statute of the company, in order to obtain a right or property interest contrary to the law, or in order to favor another company in which they have interests. The members of the supervisory council or the administrator of the company violate and abuse the powers established by the law or the statute of the company in order to benefit or favor another company where they have their own interests. Abuse of powers by the administrator or members of the supervisory board is not an end in itself. Abuse of powers is the need to realize benefits on the part of the members of the supervisory board or the administrator of the company⁸. The administrator or members of the supervisory council find the opportunity to benefit unfairly to the detriment of the commercial company only by acting in the abuse of their powers defined by the law or by the statute of the company itself.

In the commission of this criminal offense, there is objectively a direct causal link between the abuse of powers and the purpose of benefiting from its perpetrators. The abuse of powers by the perpetrators of this criminal offense is carried out through concrete actions which come in open contradiction with a legal or statutory provision of the company where they enjoy the status of administrator or member of the supervisory council.

Referring to the elements of the objective side, we find that in committing the criminal offense of "Abuse of powers", the administrator or the members of the supervisory council do not need to conclude a special agreement of criminal nature (*pactum sceleris*) with other persons in order to carry out the illegal acquisition or to favor other companies where they have interests. *They are satisfied with the abuse or misuse of their powers by violating legal or statutory provisions in order to realize personal benefits or personal interests that they may have in other private companies.* At this point, this criminal offense differs from the elements of the objective side with the criminal offenses of active and passive corruption in the private sector, since in cases of corruption the irregular benefit and the performance of an action contrary to the duty or function, come as a result of the negotiation of an agreement of a criminal nature (*pactum sceleris*) between a general entity and a special entity that may be the administrator or any other person working in the private sector.

Only administrators or members of the supervisory council of companies operating in the private sector can be subject to this criminal offense. Even in the criminal offense of passive corruption in the private sector, its perpetrator can be any person exercising managerial functions in the private sector, such as the administrator of a commercial company.

⁸ Supreme Court, Decision no. 00-2021-533 of Decision (17) dated 15.07.2021, paragraph 32.

From the subjective point of view, the “Abuse of powers” is carried out intentionally directly and with the aim of profit. The subject of this offense is fully aware of the nature of the act of abuse of powers that he performs due to his function or work, as well as of the consequence that his action will bring, which is the receipt of an unfair benefit or the favoring that he creates for another company due to his interests. Through the action of abuse of powers, he fully wants the criminal consequence to come.

5. Corruption in the private and public sector

Corruption in the public sector⁹ and corruption in the private sector are similar in form and actions, but they differ fundamentally in terms of the damaged relationship, the subject and the consequences they produce. Corruption in the public sector directly undermines the well-functioning, integrity and regularity of public institutions through favourable actions in exchange for irregular benefits made by public servants. The two-sided behavior of an illegal relationship, involving ordinary subjects on the one hand, as well as public servants on the other, creates special criminal agreements (*pactum sceleris*), which pose a great danger to society, as they damage the trust of citizens in public institutions as well as in the functioning of the state itself in its entirety.

Meanwhile, corruption in the private sector takes place within economic relations between private entities as well as between them and other natural or legal persons, where illegal benefits are given or received in exchange for breach of duty, harming fair competition and equality in the market. Unlike public corruption, which usually manifests itself more clearly due to institutional control, corruption in the private sector is more difficult to identify and prove, as it is often hidden behind contractual agreements and the autonomy of private entities.

The private sector represents the entirety of economic entities that exercise production, commercial or service activities on the basis of private property and free initiative, in order to realize profit. It includes commercial companies, sole proprietorships, small and medium-sized businesses, as well as any other private entity operating in the market in accordance with the legal rules in force. Within the private sector, there are also contractual relations between entities, management and decision-making structures of commercial companies, as well as persons exercising managerial or managerial functions, who have obligations towards the entity they represent. Due to its essential role in economic development, employment and capital circulation, the private sector constitutes a key element of the market economy and an area of particular importance for the protection of economic integrity and fair competition.

6. Issues

One of the main problems in dealing with criminal offenses of corruption in the private sector, provided for by Articles 164/a and 164/b of the Criminal Code, is related to the lack of judicial practice. This is also clearly stated by the data of the Prosecutor

⁹ See Articles 244, 259 of the Criminal Code of the Republic of Albania.

General's Report on the state of criminality for 2024¹⁰, according to which the number of registered criminal proceedings and cases sent for trial for these offenses is minimal. This situation reflects objective difficulties in identifying, investigating and proving these criminal offenses, as well as a still limited use of legal instruments for the fight against corruption in the private sector, directly affecting the lack of interpretative orientations by the courts in cases of application of criminal provisions on corruption in the private sector.

Criminal offenses of corruption in the private sector have a direct and profound impact on the competition and economic activity of subjects. The analysis shows that these offenses create unfair advantages for entities that engage in illegal actions, violating fair competition and harming those companies that act according to the law. For example, a contract that is won through bribery or illegal influence not only undermines the competitive process, but increases costs for other entities, as they have to compete in an unfair environment. At the economic level, this phenomenon damages investor confidence, reduces market transparency, and slows down innovation and the development of interactive relationships and activities between traders in the private sector, because the reward does not depend on results, quality or efficiency, but on corrupt positions and relationships. Moreover, the prevalence of criminal offences in the private sector creates a negative cycle, where the pressure to pursue corrupt practices becomes greater, thus consolidating an unstable and uncertain economic environment.

7. Conclusions

1. The fight against corruption is not only a legal issue, but it is also a democratic standard of our society as well as the norm of international justice.
2. Active and passive corruption in the private sector is not just a legal issue, but a systemic challenge that affects fair competition, economic trust, and the integrity of contractual relations. The analysis showed that, although the Albanian normative framework is harmonized with international conventions, the practical implementation remains limited. This creates a gap between the formal law and the economic reality.
3. Corruption is one of the most problematic challenges of the rule of law, which affects not only the normal functioning of public and state institutions, but also has a very large impact on public trust in these institutions. Although practically nowadays we have often heard about corruption in the public sector, we cannot deny that corruption also appears in the private sector, thus directly affecting fair competition, free economic activity and contractual relations between private entities.
4. In the private sector, the UN Convention against Corruption addresses corruption through the criminalization of bribery and embezzlement of wealth, aiming to protect the integrity of economic relations and trust between private entities. Unlike the public sector, these provisions have a more flexible character, reflecting the autonomy of states in the criminal regulation of private activity.

¹⁰ General Prosecutor's Office, Prosecutor General's Report on the State of Criminality for 2024, March 2025, General Prosecutor's Office, Albania.

5. One of the main problems in dealing with criminal offenses of corruption in the private sector, provided for by Articles 164/a and 164/b of the Criminal Code, is related to the lack of judicial practice. This is also clearly stated by the data of the Prosecutor General's Report on the state of criminality for 2024, according to which the number of registered criminal proceedings and cases sent for trial for these offenses is minimal.
6. Another important problem in the treatment of criminal offenses of corruption in the private sector, provided for by Articles 164/a and 164/b of the Criminal Code, is related not only to the lack of judicial practice, but also to the fact that these provisions have remained mainly of a formal character, without finding effective implementation in practice.
7. Criminal offenses of corruption in the private sector have a direct and profound impact on the competition and economic activity of subjects. The analysis shows that these offenses create unfair advantages for entities that engage in illegal actions, violating fair competition and harming those companies that act according to the law.
8. Another issue discussed in practice is related to the possibility of investigation and trial of the criminal offense of abuse of powers, provided by Article 164 of the Criminal Code, due to the similar elements but also the differences that this offense has compared to the criminal offenses provided by Articles 164/a and 164/b of the Criminal Code.

Recommendations

- Strengthening the case law by creating a database of court precedents and corruption cases, which will be used as a reference for the interpretation of Articles 164/a and 164/b of the Criminal Code.
- Effective implementation of legal provisions by strengthening monitoring mechanisms for the implementation of Articles 164/a and 164/b, including periodic reports of the Prosecutor General on registered cases and the results of trials.
- Increasing transparency and trust in the private sector through the establishment of control mechanisms and internal audits in private companies to prevent the practice of corruption in business contracts and agreements.
- Establish an anonymous and protected reporting system for private sector employees and citizens to report corrupt practices.
- Economic impact and awareness raising by organizing awareness campaigns for businesses on the risks and consequences of corruption, promoting fair competition.
- Organization of trainings on topics related to corruption in the private sector for judges, prosecutors, judicial police officers, as well as inclusion in the curricula in the fields of justice and economics of modules on the topics of the fight against corruption in the private sector, to form legal and ethical culture among young people and professionals.

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From Digital Monitoring to Performance-Based Payment: Conceptual Pathways for Primary Health Care Reform in Albania

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Abstract

Reforming provider payment mechanisms in Primary Health Care (PHC) is essential for improving efficiency, accountability, and patient-centered service delivery. In Albania, PHC financing remains largely input-based, relying on historical budgeting and fixed capitation formulas that insufficiently incentivize prevention, chronic disease management, or quality of care. Simultaneously, national investments in electronic health information systems have generated new performance data streams that can be used for financing reform. This study explores how digital monitoring infrastructure can be operationalized to support a Hybrid Performance-Based Payment (PBP) model for family physicians.

The analysis draws on empirical data collected from 48 Primary Health Care Centers across diverse geographic and socio-demographic settings in Albania. Routinely generated electronic indicators were examined, including physician workload, annual visits per capita, chronic disease burden, diabetes and hypertension prevalence, reimbursed prescription patterns, and home-care service needs. Comparative performance analysis reveals substantial inter-facility variability. Monthly visits per physician range widely, from low-utilization centers to high-volume practices, while annual visit rates per 1,000 population show multi-fold differences. Chronic disease registration varies markedly, as do prescribing intensity and home-care coverage, indicating structural inefficiencies and uneven service delivery patterns under the current financing framework.

Centers demonstrating higher levels of electronic system utilization show stronger patient tracking capacity, improved follow-up documentation, and more consistent chronic care management, suggesting a positive association between digital maturity and measurable service outputs. These findings support the feasibility of linking electronic monitoring with financial incentives.

Building on this empirical variability, the study proposes a Hybrid Performance-Based Payment Model structured around four integrated financing pillars:

Risk-adjusted capitation reflecting population size and chronic disease burden;

Workload and contextual adjustments accounting for rurality and home-care intensity;

Quality and prevention bonuses tied to immunization activity, chronic disease follow-up, referral appropriateness, and rational prescribing patterns;

Digital compliance incentives linked to electronic medical record completeness and e-prescription utilization.

The model incorporates automated data verification and peer benchmarking mechanisms to mitigate reporting bias and gaming risks while preserving equity across heterogeneous practice environments.

The study concludes that integrating digital monitoring systems with structured performance-based financing offers a realistic pathway for PHC reform in Albania. Such alignment can enhance transparency, optimize resource allocation, strengthen preventive care delivery, and accelerate the transition toward a value-based, patient-centered primary health system. Policy implementation should follow a phased approach prioritizing data quality, regulatory alignment, and institutional capacity building.

Introduction

Primary Health Care (PHC) systems constitute the foundational pillar of equitable, efficient, and patient-centered health systems. PHC has been recognized as the most cost-effective pathway toward achieving Universal Health Coverage (UHC), improving population health outcomes, and reducing avoidable hospital utilization. However, the performance of PHC systems is closely linked to the design of provider payment mechanisms, which shape clinical behavior, service prioritization, and resource allocation efficiency.

Globally, health financing reforms have increasingly shifted from input-based and historical budgeting models toward output and outcome-oriented payment systems. Traditional capitation schemes, while effective in cost containment and promoting preventive care, often lack sufficient performance incentives and may contribute to under-provision of services. Conversely, fee-for-service models stimulate productivity but risk overutilization and cost escalation. In response to these limitations, Performance-Based Payment (PBP) models — also referred to as Pay-for-Performance (P4P) — have emerged as hybrid financing mechanisms designed to align financial incentives with quality, efficiency, and patient outcomes.

Evidence from OECD and middle-income health systems demonstrates that well-designed PBP programs can improve preventive service delivery, chronic disease management, and care coordination when supported by robust monitoring infrastructure. Countries such as the United Kingdom, Estonia, and Rwanda have implemented variations of performance-linked financing in PHC, integrating quality indicators, digital reporting, and risk adjustment mechanisms. These reforms illustrate that the effectiveness of performance financing is highly dependent on data reliability, indicator selection, and institutional governance capacity.

In Albania, PHC services are primarily delivered through a nationwide network of public health centers staffed by family physicians and multidisciplinary teams. Financing mechanisms remains largely grounded in historical budget allocation. Under this model, funding levels are determined by legacy expenditure patterns and institutional precedents rather than epidemiological burden, service utilization, or performance outcomes.

Over the past decade, Albania has invested significantly in digital health infrastructure, including the implementation of electronic health records, e-prescription systems, and centralized health information platforms. These systems generate large volumes of routinely collected service utilization and clinical management data. Despite this progress, the integration of digital monitoring outputs into financing and performance governance frameworks remains limited. As a result, actionable performance intelligence is underutilized in strategic purchasing and provider payment design.

The coexistence of expanding digital capacity and static financing structures creates both a policy gap and a reform opportunity. Leveraging electronic monitoring data to inform payment incentives could strengthen accountability, enhance transparency, and reorient PHC delivery toward measurable outcomes. However, such reform requires empirical grounding in service delivery patterns and performance variability across providers.

This paper addresses this evidence gap by analyzing routinely generated performance indicators from 48 Primary Health Care Centers across Albania. The dataset includes measures of physician workload, service utilization intensity, chronic disease registration, hypertension and diabetes prevalence, prescribing activity, and home-care service coverage. Preliminary analysis reveals substantial inter-facility variability across all performance domains, suggesting inefficiencies and inequities embedded within the current financing framework. Differences in digital system performance indicators further show that technological maturity may influence service tracking, follow-up compliance, and care coordination capacity.

Building on these empirical insights, the paper advances the conceptual design of a Hybrid Performance-Based Payment model tailored to the Albanian PHC context. The proposed framework integrates risk-adjusted capitation, workload and contextual modifiers, quality and prevention incentives, and digital compliance rewards. By linking financing flows to electronically verifiable indicators, the model seeks to minimize reporting bias while aligning provider incentives with national health reform priorities.

The relevance of this research extends beyond national policy design. Western Balkan health systems share similar structural characteristics, including capitation-dominant PHC financing, evolving digitalization, and rising non-communicable disease burdens. As such, Albania provides a pertinent case study for exploring scalable pathways toward value-based PHC financing in resource-constrained settings.

Accordingly, the objectives of this paper are threefold:

- (1) to assess performance variability across PHC providers using digital service indicators;
- (2) to examine the relationship between electronic monitoring performance indicators and service delivery outputs; and
- (3) to propose a theoretically grounded, operationally feasible Hybrid Performance-Based Payment model to inform PHC financing reform.

Through this analysis, the paper contributes to the growing discourse on strategic purchasing, digital health governance, and value-based financing, offering policy-relevant insights for strengthening efficiency, accountability, and patient-centeredness in Primary Health Care systems.

Methodology

Study Design

This study employs an observational, cross-sectional analytical design aimed at assessing performance variability and service delivery patterns across Primary Health Care (PHC) providers in Albania. The analysis is grounded in routinely generated administrative and electronic health service data and seeks to identify measurable performance domains that can inform the design of a Hybrid Performance-Based Payment (PBP) model for family physicians.

The methodological approach combines descriptive performance benchmarking with comparative indicator analysis to explore how variations in chronic disease burden, service utilization, preventive activity, and follow-up care may justify performance-

linked financing adjustments.

Study Setting and Sample

The study sample consists of 48 Primary Health Care Centers distributed across multiple municipalities and regions of Albania, encompassing both urban and rural service environments. These centers operate under the national PHC financing framework and are staffed by family physicians (MPF), nurses, and multidisciplinary support personnel.

The sample reflects heterogeneity in population coverage, epidemiological burden, geographic accessibility, and service delivery capacity, thereby providing a representative performance landscape of PHC service provision across Albania.

Data Sources

Data were extracted from routinely collected electronic health information platforms and administrative reporting systems utilized by PHC centers. These systems include electronic register, e-visita, e-prescription platforms, chronic disease registries, and preventive service reporting modules. All indicators analyzed in this study are digitally recorded and institutionally validated through routine reporting mechanisms, ensuring reliability for comparative performance assessment.

Indicator Framework

Indicator selection was guided by three methodological principles:

- Relevance to PHC core functions (prevention, chronic disease management, continuity of care)
- Measurability through electronic systems
- Potential linkage to provider payment incentives

Indicators were grouped into four analytical performance domains.

• Chronic Disease Burden Indicators

These indicators capture the epidemiological and workload pressure placed on family physicians due to non-communicable diseases (NCDs), which constitute the dominant morbidity burden in Albania.

Key indicators include:

- ✓ Number of registered chronic disease patients per PHC center
- ✓ Chronic disease patients per 1,000 population
- ✓ Number of patients diagnosed with Diabetes Mellitus
- ✓ Diabetes prevalence per 1,000 population
- ✓ Number of patients diagnosed with Hypertension (HTA)
- ✓ Hypertension prevalence per 1,000 population

These measures allow assessment of disease registration coverage, epidemiological variability, and physician panel complexity, forming the basis for risk-adjusted financing considerations.

• Service Utilization and Workload Indicators

By examining total visit volume relative to population size and physician staffing, the table provides insight into variations in service demand, provider workload pressure, and access patterns. These utilization differentials inform the design of contextual and workload adjustments within the proposed hybrid performance-based payment models.

Key indicators include:

- ✓ Number of Family Physicians
- ✓ Visits per 1,000 Population
- ✓ Visits per Physician
- ✓ Number of visits for Diabetes patients
- ✓ Average annual follow-up visits per Diabetes patient
- ✓ Number of visits for Hypertension patients
- ✓ Average annual follow-up visits per Hypertension patient

These indicators measure continuity of care and adherence to clinical monitoring protocols. Higher follow-up visit ratios may reflect stronger disease management practices, though excessive visit rates are interpreted cautiously to avoid rewarding inefficiency.

- Preventive Care & Vaccination Indicators

Preventive service delivery constitutes a central function of PHC and a priority domain for performance-based financing.

Vaccination indicators analyzed include:

- ✓ Total number of vaccinations administered
- ✓ Vaccination coverage relative to target population (where denominators are available)
- ✓ Childhood immunization activity rates
- ✓ Preventive service visits per 1,000 population

These indicators provide insight into proactive population health engagement and public health outreach performance.

- General Workload & Activity Indicators

To contextualize chronic care performance within overall service delivery pressure, general utilization indicators were included:

- ✓ Total patient visits per PHC center
- ✓ Visits per family physician (MPF)
- ✓ Annual visits per 1,000 population
- ✓ Home-care visits (where reported)

These indicators allow differentiation between high-volume service environments and low-utilization centers, informing workload adjustments within the proposed payment model.

Data Analysis Approach

The analytical strategy follows a multi-step comparative benchmarking framework:

1. Descriptive Analysis

Indicator means, medians, ranges, and distribution patterns were calculated to identify inter-center variability.

2. Standardization

Where possible, indicators were normalized per 1,000 population or per registered chronic patient to allow comparability across heterogeneous catchment populations.

3. Performance Variability Assessment

Centers were comparatively assessed to identify:

- ✓ High vs. low chronic disease registration rates
- ✓ Variations in follow-up visit intensity

- ✓ Preventive service delivery gaps
- ✓ Disparities in vaccination activity

4. Digital Monitoring Feasibility

Indicators were evaluated based on electronic traceability and suitability for automated verification within a PBP framework.

Ethical and Data Governance Considerations

The study relies exclusively on aggregated, facility-level administrative data. No individual patient identifiers were accessed or analyzed. Data use complies with national health information governance standards and institutional reporting regulations.

Methodological Relevance to Payment Reform Design

By combining epidemiological burden indicators with service utilization and preventive care metrics, the methodological framework provides a multidimensional performance lens. This approach enables the identification of measurable domains suitable for financial incentivization within a Hybrid Performance-Based Payment model, ensuring alignment between financing mechanisms, population health needs, and digitally verifiable service outputs.

Results

Overview of Performance Variability Across PHC Centers

Analysis of routinely generated service and epidemiological indicators across the 48 Primary Health Care (PHC) Centers reveals substantial inter-facility variability in workload, chronic disease burden, follow-up care intensity, and preventive service delivery. Detailed numerical distributions for all indicators are presented in Annex Tables.

Across the sampled centers, physician activity levels varied markedly. Total annual patient visits and visits per family physician demonstrated wide dispersion, reflecting differences in catchment population size, accessibility, staffing levels, and service utilization patterns. When standardized per 1,000 population, visit rates showed multi-fold differences between the lowest- and highest-performing centers, suggesting inequities in access and service engagement.

Chronic Disease Burden Distribution

Chronic disease registration constitutes a core workload driver within PHC service delivery. The dataset indicates significant variability in the number of registered chronic disease patients across centers (Annex A1).

When adjusted per 1,000 population, chronic disease prevalence ranges from relatively low-registration environments to high-burden centers managing several-fold larger chronic caseloads. This heterogeneity may reflect differences in epidemiological profiles, screening intensity, diagnostic practices, and registry completeness.

Centers with higher chronic disease prevalence also tend to demonstrate elevated service utilization and prescription activity, reinforcing the need for risk-adjusted financing mechanisms that account for population morbidity burden.

Diabetes Patient Management

The number of registered Diabetes Mellitus patients varies considerably across the

48 PHC centers (Annex A2). Diabetes prevalence per 1,000 population displays wide dispersion, indicating variability in both epidemiological burden and case detection capacity.

Follow-up care intensity for diabetic patients — measured through the number of diabetes-related visits — also differs substantially among providers. Some centers demonstrate high visit-to-patient ratios, suggesting strong monitoring adherence and follow-up compliance. Others exhibit comparatively low visit frequencies, potentially indicating gaps in chronic disease surveillance or barriers to care continuity.

These discrepancies highlight uneven implementation of clinical follow-up protocols and suggest that financing mechanisms currently do not sufficiently incentivize structured diabetes management.

Hypertension (HTA) Patient Management

Hypertension represents the most prevalent chronic condition managed within PHC. The dataset confirms substantial variability in both the number of registered HTA patients and prevalence rates per 1,000 population (Annex A3).

As with diabetes, the number of hypertension-related visits varies significantly across facilities. Some centers demonstrate robust follow-up engagement, while others show limited visit intensity relative to registered caseloads.

Given the long-term cardiovascular risk associated with uncontrolled hypertension, these variations in monitoring frequency may have downstream implications for hospitalizations, complications, and overall system costs. The findings underscore the importance of incorporating hypertension follow-up indicators into performance-based payment design.

Annual Service Utilization and Workload Indicators Across Primary Health Care Centers

Annual visit volume demonstrates significant variability in service utilization intensity across PHC centers. Differences in visits per population and per physician reflect heterogeneous workload pressures, access patterns, and service demand. These utilization disparities provide additional justification for contextual and workload adjustments within hybrid performance-based payment models.

Integrated Performance Interpretation

Cross-indicator analysis suggests several systemic patterns:

Centers with higher chronic disease registration often demonstrate higher visit volumes and prescribing activity, indicating epidemiological workload clustering.

Digital system utilization appears positively associated with chronic disease follow-up intensity, suggesting that electronic monitoring facilitates structured care management.

Preventive activity does not consistently correlate with curative workload, implying that prevention remains under-incentivized within current financing structures.

Significant heterogeneity exists even among demographically comparable centers, reinforcing the role of managerial practices and digital maturity.

Implications for Payment Reform

The observed performance variability has direct implications for PHC financing design:

- ✓ Uniform capitation payments fail to reflect differences in chronic disease burden and follow-up workload.

- ✓ Preventive service delivery lacks dedicated financial incentives.
- ✓ Chronic disease management intensity varies despite similar patient caseloads.
- ✓ Digital monitoring capacity enables objective performance verification.

These findings provide empirical justification for introducing a Hybrid Performance-Based Payment model that integrates risk adjustment, chronic care follow-up indicators, preventive service incentives, and digital compliance metrics.

Discussion

Interpreting Performance Variability in the Context of PHC Financing:

The findings of this study reveal substantial variability across Primary Health Care (PHC) centers in Albania in terms of chronic disease burden, follow-up care intensity, preventive service delivery, and overall service utilization. Such heterogeneity is not unexpected within decentralized PHC systems; however, the magnitude of variation observed suggests structural inefficiencies embedded within the current provider payment model.

Global health financing literature consistently demonstrates that input-based and historically determined budgeting mechanisms — including uniform capitation — often fail to capture differences in epidemiological burden, provider workload, and service complexity. As a result, providers operating in high-need environments may be undercompensated, while those serving lower-risk populations face limited incentives to expand preventive or chronic care services. The variability observed in chronic disease prevalence and follow-up visits across the sampled PHC centers reflects precisely this misalignment between financing flows and population health needs.

Chronic Disease Management and Incentive Alignment:

Non-communicable diseases (NCDs), particularly Diabetes Mellitus and Hypertension, represent the dominant morbidity burden within PHC systems globally. Effective management requires structured follow-up, patient education, medication adherence monitoring, and long-term risk surveillance.

The study's findings reveal considerable disparities in both the registration of NCD patients and the intensity of follow-up visits. Some PHC centers demonstrate high visit-to-patient ratios for diabetes and hypertension management, indicating proactive monitoring and adherence to clinical follow-up protocols. Others display comparatively low follow-up intensity relative to caseload size.

This pattern aligns with international evidence showing that chronic disease management improves when providers are financially incentivized to conduct structured monitoring. The United Kingdom's Quality and Outcomes Framework (QOF), for example, demonstrated increased documentation, monitoring, and treatment standardization for chronic conditions following the introduction of performance-linked payments. Similar improvements in NCD follow-up indicators have been observed in pay-for-performance programs implemented in Estonia and other digitally advanced PHC systems.

The Albanian data suggest that, in the absence of targeted financial incentives, chronic

disease management intensity remains provider-dependent rather than systemically standardized.

Digital Monitoring as a Governance and Financing Enabler:

One of the most significant findings of this study is the apparent association between electronic system utilization and chronic disease follow-up performance. Centers demonstrating higher levels of digital reporting completeness tend to show stronger patient tracking, more structured follow-up visits, and improved documentation of chronic care activities.

This observation aligns with international experiences, particularly in Estonia, where digital health infrastructure has enabled real-time monitoring of provider performance and facilitated the implementation of quality bonus payment schemes. Digital systems reduce verification costs, enhance data reliability, and allow purchasers to link financing to objectively measurable indicators.

WHO and OECD policy frameworks increasingly emphasize that digital monitoring is not merely an administrative tool but a foundational governance mechanism for value-based health financing. Albania's expanding electronic health information platforms therefore create a timely opportunity to transition toward digitally enabled performance purchasing.

Equity Considerations and Risk Adjustment Needs:

The study's findings also raise important equity considerations. PHC centers managing higher chronic disease burdens, greater home-care needs, or larger catchment populations face structurally higher workload pressures. Uniform capitation payments fail to compensate for this complexity.

International blended payment models increasingly incorporate risk adjustment mechanisms to account for demographic, epidemiological, and geographic disparities. Without such adjustments, performance-based incentives risk penalizing providers serving more vulnerable populations.

The variability observed across Albanian PHC centers underscores the necessity of incorporating chronic disease burden and population risk factors into any future performance-based financing model.

Implications for Hybrid Performance-Based Payment Design:

The combined evidence from chronic disease follow-up, preventive activity, and digital utilization supports the conceptual validity of a Hybrid Performance-Based Payment model.

Global literature converges on several design principles reflected in this study's proposed framework:

Capitation should remain the financing base to ensure access and cost control.

Performance bonuses should target prevention and chronic disease management.

Digital compliance indicators should support verification and accountability.

Risk adjustment should protect equity across heterogeneous populations.

Blended financing approaches — combining fixed population payments with targeted performance incentives — are increasingly recognized as the most balanced mechanism for PHC purchasing.

Policy Relevance for Albania and Comparable Systems:

Albania's PHC system stands at a transitional juncture characterized by expanding digital infrastructure and rising NCD burden. The coexistence of rich performance data and static financing mechanisms creates both inefficiency and reform opportunity.

The findings of this study provide empirical grounding for policy dialogue on strategic purchasing reforms. By demonstrating measurable performance variability across digitally traceable indicators, the research supports the feasibility of linking provider payment to chronic disease management, preventive outreach, and electronic reporting compliance.

Moreover, the Albanian experience offers transferable lessons for Western Balkan and other middle-income health systems undergoing similar digitalization and PHC strengthening processes.

Study Contribution to Global PHC Financing Discourse:

This research contributes to the international literature in three ways:

- ✓ It provides empirical performance evidence from a Southeast European PHC system.
- ✓ It links digital monitoring capacity with financing reform feasibility.
- ✓ It proposes a context-adapted hybrid payment framework grounded in measurable service indicators.

By bridging digital governance and strategic purchasing, the study advances policy-relevant knowledge on how emerging health information systems can catalyze value-based PHC financing reforms.

Theoretical Hybrid Payment Models for Primary Health Care Financing Reform in Albania

Conceptual Framing

The performance variability observed across the 48 PHC centers — particularly in chronic disease burden, diabetes and hypertension follow-up intensity, and vaccination activity — suggests that Albania's current financing model insufficiently aligns provider incentives with epidemiological needs and preventive care priorities. International experience indicates that hybrid payment systems — combining population-based financing with performance and quality incentives — offer the most balanced mechanism for strengthening PHC systems. However, the optimal hybrid configuration depends on institutional capacity, digital system maturity, fiscal space, and policy priorities.

Accordingly, this paper proposes three theoretical hybrid payment models adaptable to the Albanian PHC context.

Model 1 — Prevention and Population Health Hybrid

Conceptual objective

Reorient PHC toward prevention, early detection, and public health outreach.

Payment structure:

Component	Weight
Risk-adjusted capitation	70%
Prevention performance bonus	20%

Digital compliance 10%

Performance indicators:

- ✓ Vaccination activity rates
- ✓ Preventive visits per 1,000 population
- ✓ Chronic disease screening coverage
- ✓ Early diabetes detection rates

Theoretical justification:

Prevention is often underprovided in capitation systems. Financial incentives targeting vaccination and early NCD detection can reduce long-term system costs and hospital burden.

Relevance for Albania:

Useful in regions with:

- ✓ Low vaccination outreach
- ✓ Weak screening coverage
- ✓ Rising NCD incidence

Model 2 – Chronic Disease Management Hybrid

Conceptual objective

Strengthen continuity of care and long-term NCD monitoring.

Payment structure

Component	Weight
Risk-adjusted capitation	60%
Chronic disease performance bonus	30%
Digital compliance	10%

Performance indicators

- ✓ Diabetes follow-up visits per patient
- ✓ Hypertension monitoring intensity
- ✓ Chronic patient continuity ratios
- ✓ Medication adherence proxies

Theoretical justification

NCDs account for the largest morbidity and cost burden. Incentivizing structured follow-up reduces complications, hospitalizations, and downstream expenditures.

Relevance for Albania

Particularly suited to:

- ✓ Aging populations
- ✓ High cardiovascular risk regions
- ✓ Centers with large chronic caseloads

Model 3 – Integrated Quality and Efficiency Hybrid

Conceptual objective

Balance prevention, chronic care, and service efficiency.

Payment structure

Component	Weight
Risk-adjusted capitation	65%
Quality & performance bonus	20%
Context adjustment	10%
Digital compliance	5%

Performance domains:

- ✓ Diabetes & HTA follow-up
- ✓ Vaccination activity
- ✓ Chronic continuity of care
- ✓ Rational prescribing proxies

Theoretical justification:

Blended incentive structures avoid tunnel vision by rewarding multiple dimensions of PHC performance simultaneously.

Relevance for Albania: Best suited for national rollout after pilot testing simpler models.

Comparative Theoretical Assessment

Model	Strengths	Risks
Prevention Hybrid	Improves population health	May neglect Chronic follow-up
Chronic Hybrid	Reduces NCD complications	Limited prevention incentives
Integrated Hybrid	Balanced performance	More complex to implement

Policy Implementation Roadmap for Hybrid Payment Reform

Reform Readiness Context

Albania's expanding digital health infrastructure provides a foundational monitoring platform for performance-based financing. However, institutional readiness, provider acceptance, and data quality remain variable, necessitating phased implementation.

Phase 1 – Pilot Testing Alternative Models

Pilot 3–5 PHC centers under each theoretical model:

Pilot Group	Model Tested
Group A	Prevention Hybrid
Group B	Chronic Care Hybrid
Group C	Integrated Hybrid

Evaluation criteria:

- Indicator measurability
- Provider behavioral response
- Data reliability
- Administrative feasibility

Phase 2 – Comparative Evaluation

Assess models based on:

- Improvement in follow-up visits
- Vaccination coverage changes
- Chronic registry completeness
- Provider satisfaction
- Budget impact

This allows evidence-based selection of the most effective hybrid configuration.

Phase 3 – National Scaling Strategy

Selected model expanded nationally with:

- Risk adjustment calibration
- Budget reallocation mechanisms

- Legal financing reform alignment
- Digital reporting standardization

Governance and Oversight

- Implementation requires:
- National strategic purchasing unit
- Digital performance monitoring dashboards
- Audit and verification systems
- Provider feedback mechanisms

Conclusion

Primary Health Care (PHC) systems are increasingly expected to deliver integrated, preventive, and patient-centered services while operating within constrained fiscal environments. Achieving this balance requires financing mechanisms that not only sustain access but also actively incentivize quality, continuity of care, and population health outcomes. This study examined performance variability across 48 Primary Health Care Centers in Albania using electronically generated indicators related to chronic disease burden, follow-up service utilization, preventive activity, and general workload patterns. The findings reveal substantial heterogeneity in service delivery intensity, chronic disease management practices, and vaccination activity, reflecting structural inefficiencies embedded within the current input-based financing framework.

Variations in the number of registered patients with Diabetes Mellitus and Hypertension, as well as disparities in follow-up visit intensity for these chronic conditions, indicate that care continuity remains uneven across providers. Similarly, differences in vaccination activity and preventive service outreach suggest that prevention is not uniformly prioritized under the existing capitation-dominant payment structure. These patterns are consistent with international evidence demonstrating that uniform, historically determined financing models inadequately align provider incentives with evolving epidemiological and public health needs.

Importantly, the study also highlights the growing role of digital health infrastructure as a transformative enabler of financing reform. Centers demonstrating stronger electronic reporting utilization tend to show improved patient tracking and chronic disease follow-up engagement. This linkage between digital maturity and service performance reinforces global policy arguments that electronic monitoring systems can serve as a foundational governance mechanism for value-based purchasing.

Building on these empirical insights, the paper proposed a Hybrid Performance-Based Payment model tailored to the Albanian PHC context. The model integrates four complementary financing pillars: risk-adjusted capitation, contextual workload modifiers, performance-linked incentives for chronic disease management and preventive services, and digital compliance rewards. Such a blended architecture preserves access stability while introducing measurable incentives aligned with national health priorities and Universal Health Coverage objectives.

The policy implementation roadmap outlined in this study demonstrates that

transitioning toward performance-based PHC financing is operationally feasible when phased appropriately. Beginning with digital data quality incentives and progressing toward outcome-linked payments allows institutional capacity, provider acceptance, and verification systems to mature concurrently. Equity safeguards, risk adjustment, and anti-gaming mechanisms remain critical design components to ensure fairness and system credibility.

Beyond national policy relevance, this research contributes to the broader global discourse on strategic purchasing and value-based PHC financing. As many middle-income and Western Balkan health systems undergo digital transformation while confronting rising non-communicable disease burdens, Albania's experience offers a transferable reform pathway grounded in real-world performance data.

In conclusion, aligning digital monitoring infrastructure with structured financial incentives represents a pragmatic and scalable strategy for strengthening PHC efficiency, accountability, and patient-centeredness. Hybrid Performance-Based Payment models, when carefully designed and contextually adapted, can support the transition from volume-driven service delivery toward value-oriented primary health systems capable of addressing both present and future population health challenges.

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Annex A1 – Chronic Disease Burden by Primary Health Care Center

Distribution of Registered Chronic Disease Patients Across 48 Primary Health Care Centers

This annex presents the distribution of chronic disease burden across sampled PHC centers, providing the empirical basis for risk-adjusted capitation and workload-sensitive payment design.

Table A1 – Chronic Disease Burden Indicators

Nr.	PHC Center	Municipality / Region	Population Covered	Number of Family Physicians (MPF)	Registered Chronic Patients	Chronic Patients per Physician	Chronic Patients per 1,000 Population
1	PHC 1	Tirana/urban	75,859	31	27,251	879	359
2	PHC 2	Tirana/urban	60,386	24	19,051	794	315
3	PHC 3	Tirana/urban	31,388	13	1,838	141	59
4	PHC 4	Tirana/urban	28,374	13	7,360	566	259
5	PHC 5	Tirana/rural	41,152	12	4,413	368	107
6	PHC 6	Tirana/rural	59,428	17	11,945	703	201
7	PHC 7	Tirana/rural	21,383	7	4,885	698	228
8	PHC 8	Tirana/urban	15,539	6	10,132	1,689	652
9	PHC 9	Tirana/urban	71,904	38	27,224	716	379
10	PHC 10	Tirana/rural	31,307	12	2,587	216	83
11	PHC 11	Tirana/urban	13,868	4	4,000	1,000	288
12	PHC 12	Tirana/rural	8,425	4	1,784	446	212
13	PHC 13	Durres/urban	30,561	12	2,877	240	94
14	PHC 14	Durres/urban	24,525	11	1,698	154	69
15	PHC 15	Durres/rural	16,616	5	574	115	35
16	PHC 16	Durres/urban	33,658	10	1,801	180	54
17	PHC 17	Durres/urban	11,708	6	693	116	59
18	PHC 18	Durres/rural	10,883	5	365	73	34
19	PHC 19	Durres/rural	7,723	3	215	72	28
20	PHC 20	Elbasan/urban	32,804	14	3,705	265	113
21	PHC 21	Elbasan/urban	27,024	10	2,478	248	92
22	PHC 22	Elbasan/urban	27,148	12	2,883	240	106

23	PHC 23	Elbasan/urban	24,998	11	2,841	258	114
24	PHC 24	Elbasan/urban	6,780	4	1,116	279	165
25	PHC 25	Elbasan/rural	11,991	4	723	181	60
26	PHC 26	Elbasan/rural	10,261	3	684	228	67
27	PHC 27	Elbasan/rural	10,411	3	846	282	81
28	PHC 28	Elbasan/rural	12,030	4	942	236	78
29	PHC 29	Elbasan/rural	6,389	2	619	310	97
30	PHC 30	Elbasan/rural	3,196	1	167	167	52
31	PHC 31	Vlora/urban	19,157	8	2,141	268	112
32	PHC 32	Vlora/urban	33,991	14	3,929	281	116
33	PHC 33	Vlora/urban	23,055	10	2,965	297	129
34	PHC 34	Vlora/urban	23,414	10	2,654	265	113
35	PHC 35	Vlora/urban	6,243	3	121	40	19
36	PHC 36	Vlora/rural	14,249	5	951	190	67
37	PHC 37	Vlora/rural	8,053	4	916	229	114
38	PHC 38	Vlora/rural	5,342	2	524	262	98
39	PHC 39	Vlora/rural	4,613	2	324	162	70
40	PHC 40	Shkodra/ Urban	21,152	11	7,188	653	340
41	PHC 41	Shkodra/ Urban	23,634	10	6,346	635	269
42	PHC 42	Shkodra/rural	10,119	4	984	246	97
43	PHC 43	Shkodra/rural	1,180	-			-
44	PHC 44	Lezha/urban	27,489	10	6,773	677	246
45	PHC 45	Lezha/urban	7,902	3	3,487	1,162	441
46	PHC 46	Lezha/rural	10,542	4	1,869	467	177
47	PHC 47	Lezha/rural	8,583	4	1,608	402	187
48	PHC 48	Lezha/rural	12,907	5	3,150	630	244

The distribution of chronic disease burden demonstrates substantial heterogeneity across PHC centers. Variability in chronic patients per 1,000 population reflects differences in epidemiological profiles, case detection capacity, and registry completeness. Similarly, chronic patients per physician highlights disparities in provider workload pressure. These indicators form the empirical foundation for morbidity-adjusted capitation within the proposed hybrid performance-based payment model.

Annex A2 – Diabetes Patients and Follow-Up Visit Indicators

Distribution of Diabetes Mellitus Patients and Follow-Up Visits Across 48 Primary Health Care Centers

This annex presents Diabetes Mellitus case registration and follow-up care activity across sampled PHC centers. The indicators provide the empirical basis for assessing chronic disease management intensity and for designing performance-based payment incentives linked to diabetes monitoring.

Table A2 — Diabetes Burden and Follow-Up Activity

Nr.	PHC Center	Municipality / Region	Population Covered	Number of Family Physicians (MPF)	Registered Diabetes Patients	Number of Diabetes Visits	Diabetes Visits per Physician	Diabetes Patients per 1,000 Population
1	PHC 1	Tirana/urban	75,859	31	3,377	3,904	126	45
2	PHC 2	Tirana/urban	60,386	24	2,368	5,258	219	39
3	PHC 3	Tirana/urban	31,388	13	657	508	39	21
4	PHC 4	Tirana/urban	28,374	13	972	3,536	272	34
5	PHC 5	Tirana/rural	41,152	12	1,293	612	51	31
6	PHC 6	Tirana/rural	59,428	17	1,748	3,484	205	29
7	PHC 7	Tirana/rural	21,383	7	665	1,140	163	31
8	PHC 8	Tirana/urban	15,539	6	999	1,734	289	64
9	PHC 9	Tirana/urban	71,904	38	3,220	5,216	137	45
10	PHC 10	Tirana/rural	31,307	12	767	448	37	24
11	PHC 11	Tirana/urban	13,868	4	542	988	247	39
12	PHC 12	Tirana/rural	8,425	4	261	710	178	31
13	PHC 13	Durres/urban	30,561	12	932	2,980	248	30
14	PHC 14	Durres/urban	24,525	11	537	2,430	221	22
15	PHC 15	Durres/rural	16,616	5	248	846	169	15
16	PHC 16	Durres/urban	33,658	10	627	2,702	270	19
17	PHC 17	Durres/urban	11,708	6	288	846	141	25
18	PHC 18	Durres/rural	10,883	5	110	350	70	10
19	PHC 19	Durres/rural	7,723	3	68	442	147	9

20	PHC 20	Elbasan/urban	32,804	14	1,218	2,436	174	37
21	PHC 21	Elbasan/urban	27,024	10	783	1,700	170	29
22	PHC 22	Elbasan/urban	27,148	12	930	1,860	155	34
23	PHC 23	Elbasan/urban	24,998	11	850	1,566	142	34
24	PHC 24	Elbasan/urban	6,780	4	364	728	182	54
25	PHC 25	Elbasan/rural	11,991	4	206	412	103	17
26	PHC 26	Elbasan/rural	10,261	3	162	324	108	16
27	PHC 27	Elbasan/rural	10,411	3	174	348	116	17
28	PHC 28	Elbasan/rural	12,030	4	264	528	132	22
29	PHC 29	Elbasan/rural	6,389	2	172	344	172	27
30	PHC 30	Elbasan/rural	3,196	1	45	90	90	14
31	PHC 31	Vlora/urban	19,157	8	716	1,410	176	37
32	PHC 32	Vlora/urban	33,991	14	1,244	2,572	184	37
33	PHC 33	Vlora/urban	23,055	10	879	1,876	188	38
34	PHC 34	Vlora/urban	23,414	10	888	1,714	171	38
35	PHC 35	Vlora/urban	6,243	3	25	186	62	4
36	PHC 36	Vlora/rural	14,249	5	264	578	116	19
37	PHC 37	Vlora/rural	8,053	4	278	552	138	35
38	PHC 38	Vlora/rural	5,342	2	118	272	136	22
39	PHC 39	Vlora/rural	4,613	2	70	142	71	15
40	PHC 40	Urban Shkodra/	21,152	11	791	1,898	173	37
41	PHC 41	Urban	23,634	10	822	1,590	159	35

42	PHC 42	Shkodra/rural	10,119	4	148	340	85	15
43	PHC 43	Shkodra/rural	1,180	-		26		
44	PHC 44	Lezha/urban	27,489	10	906	2,400	240	33
45	PHC 45	Lezha/urban	7,902	3	454	1,424	475	57
46	PHC 46	Lezha/rural	10,542	4	236	486	122	22
47	PHC 47	Lezha/rural	8,583	4	175	666	167	20
48	PHC 48	Lezha/rural	12,907	5	371	712	142	29

The distribution of diabetes case registration and follow-up visit intensity reveals significant inter-facility variability. Differences in diabetes prevalence per 1,000 population may reflect epidemiological heterogeneity as well as variations in screening and diagnostic practices. More importantly, the ratio of visits per diabetes patient highlights disparities in continuity of care and monitoring adherence across PHC centers. These variations provide an empirical foundation for incorporating diabetes follow-up indicators into performance-based financing mechanisms within the proposed hybrid payment model.

Annex A3 – Hypertension Patients and Follow-Up Visit Indicators

Distribution of Hypertension (HTA) Patients and Follow-Up Visits Across 48 Primary Health Care Centers

This annex presents the registration and follow-up care activity of patients diagnosed with Hypertension (HTA) across the sampled PHC centers. The indicators support the assessment of cardiovascular chronic disease management intensity and inform performance-based payment incentives linked to hypertension monitoring and continuity of care.

Table A3 – Hypertension Burden and Follow-Up Activity

Nr.	PHC Center	Municipality / Region	Population Covered	Number of Family Physicians (MPF)	Registered HTA Patients	Number of HTA Visits	HTA Visits per Physician	HTA Patients per 1,000 Population
1	PHC 1	Tirana/urban	75,859	31	8,088	4,392	142	107
2	PHC 2	Tirana/urban	60,386	24	5,400	4,916	205	89
3	PHC 3	Tirana/urban	31,388	13	1,122	714	55	36
4	PHC 4	Tirana/urban	28,374	13	2,123	5,378	414	75
5	PHC 5	Tirana/rural	41,152	12	3,272	1,562	130	80
6	PHC 6	Tirana/rural	59,428	17	3,830	4,366	257	64

7	PHC 7	Tirana/rural	21,383	7	1,495	1,296	185	70
8	PHC 8	Tirana/urban	15,539	6	2,504	1,812	302	161
9	PHC 9	Tirana/urban	71,904	38	7,513	2,902	76	104
10	PHC 10	Tirana/rural	31,307	12	1,808	1,086	91	58
11	PHC 11	Tirana/urban	13,868	4	1,172	1,034	259	85
12	PHC 12	Tirana/rural	8,425	4	488	468	117	58
13	PHC 13	Durres/urban	30,561	12	1,897	5,668	472	62
14	PHC 14	Durres/urban	24,525	11	1,083	4,828	439	44
15	PHC 15	Durres/rural	16,616	5	272	1,192	238	16
16	PHC 16	Durres/urban	33,658	10	1,234	5,064	506	37
17	PHC 17	Durres/urban	11,708	6	414	1,220	203	35
18	PHC 18	Durres/rural	10,883	5	209	1,034	207	19
19	PHC 19	Durres/rural	7,723	3	115	1,356	452	15
20	PHC 20	Elbasan/ urban	32,804	14	2,576	5,152	368	79
21	PHC 21	Elbasan/ urban	27,024	10	1,633	3,634	363	60
22	PHC 22	Elbasan/ urban	27,148	12	1,968	3,936	328	72
23	PHC 23	Elbasan/ urban	24,998	11	1,817	3,266	297	73
24	PHC 24	Elbasan/ urban	6,780	4	754	1,508	377	111
25	PHC 25	Elbasan/rural	11,991	4	343	686	172	29
26	PHC 26	Elbasan/rural	10,261	3	403	806	269	39
27	PHC 27	Elbasan/rural	10,411	3	518	1,036	345	50
28	PHC 28	Elbasan/rural	12,030	4	661	1,322	331	55
29	PHC 29	Elbasan/rural	6,389	2	438	876	438	69
30	PHC 30	Elbasan/rural	3,196	1	112	224	224	35
31	PHC 31	Vlora/urban	19,157	8	1,578	3,394	424	82
32	PHC 32	Vlora/urban	33,991	14	2,969	5,968	426	87
33	PHC 33	Vlora/urban	23,055	10	2,367	5,058	506	103
34	PHC 34	Vlora/urban	23,414	10	2,102	4,406	441	90
35	PHC 35	Vlora/urban	6,243	3	81	194	65	13
36	PHC 36	Vlora/rural	14,249	5	701	1,554	311	49
37	PHC 37	Vlora/rural	8,053	4	618	1,592	398	77
38	PHC 38	Vlora/rural	5,342	2	369	800	400	69
39	PHC 39	Vlora/rural	4,613	2	256	540	270	55
40	PHC 40	Shkodra/ Urban	21,152	11	2,270	5,280	480	107
41	PHC 41	Shkodra/ Urban	23,634	10	2,046	4,150	415	87
42	PHC 42	Shkodra/ rural	10,119	4	297	930	233	29

43	PHC 43	Shkodra/ rural	1,180	-		38		-
44	PHC 44	Lezha/urban	27,489	10	2,053	6,216	622	75
45	PHC 45	Lezha/urban	7,902	3	1,282	3,892	1,297	162
46	PHC 46	Lezha/rural	10,542	4	572	1,348	337	54
47	PHC 47	Lezha/rural	8,583	4	332	2,132	533	39
48	PHC 48	Lezha/rural	12,907	5	977	2,062	412	76

Hypertension represents the most prevalent non-communicable disease managed within Primary Health Care. The distribution of registered HTA patients across PHC centers demonstrates considerable variability in cardiovascular disease burden. Differences in follow-up visit intensity further highlight disparities in chronic disease monitoring practices. These findings support the inclusion of hypertension management indicators within performance-based financing models, particularly given the long-term cost implications of uncontrolled blood pressure and cardiovascular complications.

Annex A4 – Annual Service Utilization and Workload Indicators Across Primary Health Care Centers

This annex presents annual service utilization and workload indicators across the sampled Primary Health Care Centers. By examining total visit volume relative to population size and physician staffing, the table provides insight into variations in service demand, provider workload pressure, and access patterns. These utilization differentials inform the design of contextual and workload adjustments within the proposed hybrid performance-based payment models.

Table A4 – Annual PHC Service Utilization

Nr.	PHC Center	Municipality / Region	Population Covered	Number of Family Physicians (MPF)	Registered Chronic Patients	Total annual Visits	Visits per 1,000 Population	Visits per Physician
1	PHC 1	Tirana/urban	75,859	31	27,251	4,392	58	142
2	PHC 2	Tirana/urban	60,386	24	19,051	4,916	81	205
3	PHC 3	Tirana/urban	31,388	13	1,838	714	23	55
4	PHC 4	Tirana/urban	28,374	13	7,360	5,378	190	414
5	PHC 5	Tirana/rural	41,152	12	4,413	1,562	38	130
6	PHC 6	Tirana/rural	59,428	17	11,945	4,366	73	257
7	PHC 7	Tirana/rural	21,383	7	4,885	1,296	61	185

8	PHC 8	Tirana/urban	15,539	6	10,132	1,812	117	302
9	PHC 9	Tirana/urban	71,904	38	27,224	2,902	40	76
10	PHC 10	Tirana/rural	31,307	12	2,587	1,086	35	91
11	PHC 11	Tirana/urban	13,868	4	4,000	1,034	75	259
12	PHC 12	Tirana/rural	8,425	4	1,784	468	56	117
13	PHC 13	Durres/urban	30,561	12	2,877	5,668	185	472
14	PHC 14	Durres/urban	24,525	11	1,698	4,828	197	439
15	PHC 15	Durres/rural	16,616	5	574	1,192	72	238
16	PHC 16	Durres/urban	33,658	10	1,801	5,064	150	506
17	PHC 17	Durres/urban	11,708	6	693	1,220	104	203
18	PHC 18	Durres/rural	10,883	5	365	1,034	95	207
19	PHC 19	Durres/rural	7,723	3	215	1,356	176	452
20	PHC 20	Elbasan/urban	32,804	14	3,705	5,152	157	368
21	PHC 21	Elbasan/urban	27,024	10	2,478	3,634	134	363
22	PHC 22	Elbasan/urban	27,148	12	2,883	3,936	145	328
23	PHC 23	Elbasan/urban	24,998	11	2,841	3,266	131	297
24	PHC 24	Elbasan/urban	6,780	4	1,116	1,508	222	377
25	PHC 25	Elbasan/rural	11,991	4	723	686	57	172
26	PHC 26	Elbasan/rural	10,261	3	684	806	79	269
27	PHC 27	Elbasan/rural	10,411	3	846	1,036	100	345
28	PHC 28	Elbasan/rural	12,030	4	942	1,322	110	331
29	PHC 29	Elbasan/rural	6,389	2	619	876	137	438

30	PHC 30	Elbasan/rural	3,196	1	167	224	70	224
31	PHC 31	Vlora/urban	19,157	8	2,141	3,394	177	424
32	PHC 32	Vlora/urban	33,991	14	3,929	5,968	176	426
33	PHC 33	Vlora/urban	23,055	10	2,965	5,058	219	506
34	PHC 34	Vlora/urban	23,414	10	2,654	4,406	188	441
35	PHC 35	Vlora/urban	6,243	3	121	194	31	65
36	PHC 36	Vlora/rural	14,249	5	951	1,554	109	311
37	PHC 37	Vlora/rural	8,053	4	916	1,592	198	398
38	PHC 38	Vlora/rural	5,342	2	524	800	150	400
39	PHC 39	Vlora/rural	4,613	2	324	540	117	270
40	PHC 40	Shkodra/Urban	21,152	11	7,188	5,280	250	480
41	PHC 41	Shkodra/Urban	23,634	10	6,346	4,150	176	415
42	PHC 42	Shkodra/rural	10,119	4	984	930	92	233
43	PHC 43	Shkodra/rural	1,180	-		38	32	
44	PHC 44	Lezha/urban	27,489	10	6,773	6,216	226	622
45	PHC 45	Lezha/urban	7,902	3	3,487	3,892	493	1,297
46	PHC 46	Lezha/rural	10,542	4	1,869	1,348	128	337
47	PHC 47	Lezha/rural	8,583	4	1,608	2,132	248	533
48	PHC 48	Lezha/rural	12,907	5	3,150	2,062	160	412

Annual visit volume demonstrates significant variability in service utilization intensity across PHC centers. Differences in visits per population and per physician reflect heterogeneous workload pressures, access patterns, and service demand. These utilization disparities provide additional justification for contextual and workload adjustments within hybrid performance-based payment models.

Statute of limitations for the execution of the sentence in relation to amnesty, the case of Albania

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Prosecution against Organized Crime and Corruption

Abstract

In criminal justice, two of the most important institutes related to the execution of sentences are the statute of limitations and amnesty. The statute of limitations for the execution of the sentence, or as the statute of limitations is otherwise called, is considered as an irrevocable waiver by the state, expressly provided by the legislator in Article 68 of the Criminal Code. This limitation period occurs when, after a certain period of time has elapsed, the state loses the right to request the enforcement of a final or enforceable judgment of the court. As a very important institute in the criminal field, the statute of limitations means the fact that a decision, which has become final, becomes "unenforceable" due to the expiry of the deadlines provided for in the law.

While amnesty is considered "a general measure of forgiveness" for a certain category of criminal offenses committed in a certain period of time, as well as the punishments given for these offenses, which is provided for in Article 70 of the Criminal Code. This article aims to examine the relationship between these two legal institutes, highlighting how amnesty can affect the statute of limitations for the execution of sentences and how these institutes function within criminal justice systems.

An important problem that often arises in practice concerns how the sentence that has been partially amnestied is handled and how these circumstances affect the statute of limitations. The provisions of the Criminal Code do not provide for any special case that is closely related to the sentences and their types in relation to amnesty. So what happens if a prison sentence, given for a criminal offense, is partially amnestied? How long will the statute of limitations be considered in this case? Will the amnesty sentence be included in the statute of limitations of the sentence, or will only the sentence specifically given in the final criminal decision be taken into account?

Regarding this problem, the courts do not have a consolidated practice, but from our point of view, based on the concept of amnesty, it can be concluded that the amnesty sentence will not be included in the statute of limitations. This interpretation can also be supported by the legal provision that emphasizes that for decisions containing sentences, it is about the content of the decision and not about what may happen in the future, leaving open the possibility of changing circumstances.

Initially, in this paper we will stop to reflect some general aspects on the statute of limitations for the execution of the sentence, illustrating this with decisions and practice of the Supreme Court. Next, we will address the problem of the relationship between this criminal law institute and amnesty

Keywords: Statute of limitations, final criminal decision, sentence, Criminal Code, full serving of the sentence.

I. Introduction

The statute of limitations for the execution of a sentence is a legal concept that is intended to limit the time of execution of a sentence given by a final decision. This institution is provided to ensure stability and social order, avoiding prosecution

of individuals for past offenses after a certain period of time. After the statute of limitations has passed, the sentence can no longer be executed, no matter how serious the crime was committed. The statute of limitations for the execution of the sentence as we have presented above is provided for in chapter eight, specifically in Article 68 of the Criminal Code. The statute of limitations for the execution of the sentence (hereinafter referred to as the statute of limitations) extinguishes the sentence, in the sense that it renders it unenforceable. The execution of the sentence is related to the time limits established in the law, the passage of which causes the loss of the right of the competent body to execute the sentence given against the perpetrator of the criminal offense. The measures of punishment are different for each perpetrator of the criminal offense in accordance with the criminal offense committed and the measure of punishment, specifically:

According to Article 68 of the Criminal Code¹

<i>Punishment</i>	<i>Statute of limitations</i>
<i>20 years</i>	<i>For the decision containing a sentence of fifteen to twenty-five years of imprisonment.</i>
<i>10 years</i>	<i>For the decision containing a sentence of five to fifteen years of imprisonment.</i>
<i>5 years</i>	<i>For decisions containing a sentence of imprisonment of up to five years or other lighter sentences</i>

With regard to the above-mentioned statute of limitations, there are deadlines that are set according to the importance, the social danger of the criminal offense. With regard to its execution, the decision is said not to have been executed when it has not begun to be executed or when it has been directed for execution, but for various reasons it has not been fully or partially executed.

To return to the above analysis, we clearly see that the statute of limitations for the execution of the criminal sentence consists of two elements:

- The first element consists in the inaction of the state to realize a right and fulfill an obligation (execution of the criminal penalty decision),
- The second element consists in the time frame that provides for provisions which the legislator has divided into deadlines of twenty years, ten years and five years, respectively.

II. Analysis of the conditions of the statute of limitations for the execution of the criminal sentence

Referring to the constitutional provisions, specifically Article 18 of the Constitution, which states that *“everyone is equal before the law”*, it means that the statute of limitations for the execution of the sentence should be applied equally to all persons, whether these are convicts against whom the execution has not begun, as well as to the persons

¹ Article 68 of the Criminal Code provides that, The decision of the sentence shall not be executed when the following have passed from the day it became final: a) twenty years for the decision containing a sentence of fifteen to twenty-five years of imprisonment; b) ten years for the decision that sentenced five to fifteen years of imprisonment; c) five years for decisions containing a prison sentence of up to five years or other lighter sentences.

for whom the execution has not been fully fulfilled. The legislator has not determined objective causes or intentionally created by the convict himself, conditions other than the passage of legal deadlines. So, for whatever reason the decision has not been executed, this fact will not be taken into account, but it is enough for the legal deadline to pass in order for the execution of the decision to be time-barred.

How will the limitation periods be calculated? Referring to the provision, it is clearly stated that *“the decision to execute the sentence will not be executed if since the day when the decision became final have passed...”*. Thus, the date when the decision has become final and not the day of its announcement will be taken as a moment of time, and in order to put an end to the problems with the unifying decision ², the Supreme Court stated that in the analysis of Article 68 of the Criminal Code, it is essential to determine exactly the measure of punishment to enable the calculation of the limitation period, which should correspond to the final decision of the court. According to Albanian legislation, the decision of the Court of Appeals, although enforceable, does not have the status of the adjudicated thing and can be reviewed by the Supreme Court for the reasons set out in Article 432 of the Code of Criminal Procedure. As long as the measure of punishment can be changed by the Supreme Court, Article 68 of the Criminal Code cannot be applied, as the expression *“final form”* refers to a measure of punishment that is final and unchangeable.

As far as the appeal is concerned, the Supreme Court has stated that in cases where an appeal has been filed with the Supreme Court, the limitation period will start to run from the moment the Supreme Court expresses its decision, whether this decision or not. Regarding the other problem encountered in practice with this institute, it has to do precisely with the fact that if we are dealing with a case with a more co-operative and one of them files an appeal, what happens with the calculation of the statute of limitations for the other co-workers. In the present case, the case law of the Supreme Court has stated that a valid appeal by an accomplice, even if based or not on reasons that are not exclusively personal, does not result in the decision of sentencing the non-appellant defendant not to take final form and does not suspend its execution. Thus, the calculation of the limitation periods for other collaborators starts from the moment of the expiry of the deadline for appeal, independent of the appeal or not of other collaborators. ³

III. Interruption or suspension of the limitation periods for the execution of the sentence

If we refer to the case law at first glance, it seems as if the court has given a solution to the problem by stating that there can be no extension or interruption of the statute

² The unifying decision no. 7 dated 03.11.2014 of the Supreme Court, “in the analysis of Article 68 of the Criminal Code, which is important to make it possible to calculate the limitation period of the sentence, is the correct determination of the amount of the sentence, which coincides with the decision of the status of the thing adjudicated. According to Albanian legislation, the decision of the Court of Appeals (which is enforceable) does not constitute a judgment and as such is vulnerable to the Supreme Court for reasons from those provided by Article 432 of the Criminal Code. As long as the measure of imprisonment given by the Court of Appeals can be changed by the Supreme Court in cases where it is available on the basis of Article 441/1(b) or 441/1(c) of the K.Pr. Criminal Code, there can be no application of Article 68 of the Criminal Code, as the expression “final form” used by this Article of the Criminal Code is inextricably linked to the measure of punishment which must be final and unchanging.”

³ Decision of the Criminal Panel of the Supreme Court no. 18 dated 29.01.2014

of limitations for the execution of the criminal sentence⁴ for any kind of reason. This is the position that the Supreme Court has taken⁵ and this position applies both to cases where the sentence decision has not been executed at all, as well as to cases where this decision has been executed and after the convict has started serving the sentence also in cases where further serving of the sentence is interrupted for any reason, as can the removal of the convict from serving his sentence. This position of the court actually seems meaningless, as it seems as if for the convict, the execution of the sentence for which he has begun for the remainder of the sentence he has left to serve, an “ex novo” statute of limitations⁶ applies. In such cases, we think that it is precisely the unserved part of the sentence and not the entire sentence that should be taken into account.

IV. Amnesty and its effects on the criminal process

Amnesty is an institute of criminal law in which it is provided by Article 71 of the Criminal Code and this institute consists of a general measure of forgiveness, for a certain category of criminal offenses, as well as the sentences given for these offenses. So amnesty is a legal act promulgated by a high authority, such as the Parliament of Albania, that aims to pardon individuals of certain sentences or save them from prosecution for the offenses they have committed. Essentially, amnesty is a kind of “pardon” for certain crimes, causing individuals not to be held responsible for them, or to be given a lighter sentence, usually related to offenses that were considered to be lighter or that occurred in a certain period of time.

The amnesty of the criminal offense differs from the amnesty of the sentence due to the moment of their application. The amnesty of the criminal offense acts before the issuance of the final decision of the sentence, bringing in this case the extinguishment of the sentence, while the amnesty of the sentence intervenes after the sentence decision has been given⁷.

According to this provision, it⁸ is found that the law on granting amnesty provides that certain bodies, upon the entry into force of the law, acquire the power to exclude from criminal prosecution (amnesty of the criminal offense), from serving the sentence in whole or in part or to replace the sentence with a more lenient type of punishment (amnesty of punishment).

⁴ In Albanian criminal law, it is sanctioned that “The Criminal Code is based on the constitutional principles of the rule of law, equality before the law, justice in determining guilt and punishment, as well as humanity. The application by analogy of the criminal law is not allowed.”

⁵ Unifying Decision No. 7 dated 11.10.2002

⁶ So, if we have a convict with 20 years of imprisonment and has served 18 years in prison and for the rest the execution of the sentence decision is interrupted, it would be nonsense that for the two years left to be served by the convict, the statute of limitations should be calculated ex novo and this term, according to the provision of the Criminal Code, this term should be 20 years. The correct application in the present case would be for the statute of limitations to be calculated for the remaining part of the sentence, i.e. for 2 years, and in this case the statute of limitations will be 5 years.

⁷ Article 71 of the Criminal Code provides that; With the act of amnesty, the competent body exempts from criminal prosecution, from serving the sentence in whole or in part, or substitutes the sentence with a more lenient type of punishment. The amnesty is extended for those criminal offenses committed up to one day before its promulgation, unless otherwise provided for in the relevant act.

⁸ Article 71 of the Code Criminal, on amnesty.

Referring to the jurisprudence of the Constitutional Court⁹, it is stated that: Amnesty is treated as a pardon measure that has different effects depending on when it is applied, including criminal offense amnesty and sentencing amnesty. The amnesty of the criminal offense has effects before the issuance of the final final decision and extinguishes the criminal offense committed, while the amnesty of the conviction intervenes after the issuance of a final decision and extinguishes the execution of the sentence, including ancillary sentences, but leaving other criminal effects intact. The court has also clarified that the amnesty act provides for certain competent bodies that receive the opportunity to exclude individuals from criminal prosecution or from serving their sentences, according to the provisions of the law on amnesty. The prosecution is the body responsible for criminal prosecution, while the court is the one that decides on the charges brought against individuals. With the entry into force of the law on amnesty, these bodies can exclude individuals from prosecution for the criminal offenses included in this act. Also, the competent bodies can exclude individuals from serving the sentence, or replace it with a lighter sentence, according to the rules set out in the Law on the Execution of Criminal Sentences.

So, in conclusion, amnesty represents a legal measure that aims to forgive criminal offenses or punishments for individuals belonging to certain categories, affecting the time period of committing the crime or their punishment. It can take two main forms: the amnesty of the criminal offense, which affects before the final decision of the sentence is given and leads to the non-initiation or discontinuation of the criminal prosecution, and the amnesty of the sentence, which intervenes after the issuance of the enforceable decision and leads to the interruption of the execution of the sentence. According to legal practice and court decisions, competent bodies such as the Prosecution and the Court have an essential role in the implementation of the amnesty, giving it the opportunity to exclude individuals from prosecution or serving sentences, while also having the opportunity to replace sentences with lighter ones. Thus, amnesty functions as a legal instrument that provides opportunities for the return to society of individuals who have committed certain crimes, ensuring a

⁹ The decision of the Constitutional Court no. 1 dated 20.01.2014, "Amnesty constitutes a general measure of forgiveness for defined categories of criminal offenses committed in a certain period of time, or corresponding punishments. In the doctrinal criminal and jurisprudential treatment of amnesty, the amnesty of the criminal offense that acts before the issuance of the final decision of the sentence resulting in the extinction of the committed criminal offense and the amnesty of the sentence, which intervenes after the delivery of a final sentence decision, extinguishing the execution of the sentence, and of ancillary punishments, even though other criminal effects remain, are recognized. The difference between them lies in the fact that the amnesty of the criminal offense entails the non-initiation or discontinuation of the criminal prosecution before a final sentence decision (enforceable) has been given, while the amnesty of the sentence brings effects after the issuance of the enforceable decision"...", the Court has determined that the amnesty act provides for several bodies which, with the entry into force of this act (the law on granting amnesty), receive the power to exclude from prosecution (amnesty of the criminal offense), from serving the sentence in whole or in part, or to replace the sentence with a more lenient type of punishment (amnesty of punishment). Thus, the Prosecutor's Office, within the meaning of Article 148/1 of the Constitution, is the body that exercises criminal prosecution and the court, which, within the meaning of Articles 42 and 135 of the Constitution, is the competent body that adjudicates charges brought against individuals for criminal offenses, with the entry into force of the Law on Amnesty, are authorized to exclude from criminal prosecution criminal offenses committed according to the provisions of this law. Regarding the exemption from serving the sentence in whole or in part, or its replacement, the competent bodies are those provided by the law no. 8331, dated 21.04.1998 "On the execution of criminal sentences", as amended".

balance between justice and the need for peace and social stability.

The effects that amnesty has on the criminal justice system are very important as it is applied at all stages of criminal proceedings and consequently leads to the dismissal of the case for that category of criminal offenses for which criminal prosecution should not be initiated or continued¹⁰.

V. Amnesty of the sentence and statute of limitations for the execution of the sentence

There have been different opinions and numerous discussions regarding this issue. What effect will the reduction or amnesty of the sentence have in terms of the statute of limitations for the execution of the sentence? According to the case law, in a decision given by the Court of Appeal for Serious Crimes¹¹, the opinion has been held that when a person benefits from the amnesty, his sentence is considered given with the effects that the amnesty offers from the moment of its announcement. This means that the person has direct benefits related to the relief or removal of the sentence, without having to wait for a further period. Interference with the final decision, in the case of amnesty, is considered an *ipso lege* interference, which means that this happens automatically due to the law and does not require a new decision from the court. This intervention entails the application of all the consequences of this intervention, including the statute of limitations for the execution of the sentence, which may change in accordance with the new conditions of amnesty. Also, according to the same opinion, it is clarified that amnesty is a legal cause which changes the amount of punishment determined in the court's decision. If we look at the entire criminal legislation, we do not foresee any prohibition that the sentence extinguished on the basis of amnesty will not be taken into account in the sentence and that such an exception is not found even in the amnesty law.

So, according to the line of this opinion, amnesty is considered an act which can change and can intervene in a final criminal decision with all its effects, including the statute of limitations for the execution of the sentence.

¹⁰ Article 290 letters dh, Article 387/1 of the Criminal Code.

¹¹ "The defense has claimed that the applicant A.Ç. was finally convicted by the court for the criminal offense of "Production and sale of narcotics", in cooperation, provided for by Article 283/2 of the Criminal Code and his sentence is ultimately 5 (five) years and 4 (four) months of imprisonment. Because the applicant was tried in absentia, serving the sentence for him would begin from the day of execution of the sentencing decision. The criminal decision for the applicant became final on 29.10.2009, the day when this decision was announced by the Court of Appeals for Serious Crimes. According to the defense, with the entry into force of law no. 22/2014 "On Granting Amnesty", the prosecution has issued a new order for the execution of the criminal decision for the applicant. On the basis of the new order of execution of the prosecution dated 04.12.2014, the applicant has benefited from the reduction of the sentence by 1 (one) year of imprisonment, referring to Article 4 of Law no. 22/2014 "On granting amnesty". Finally, based on the new order for the execution of the criminal decision, the applicant A.Ç. must serve a sentence of 4 (four) years and 4 (four) months of imprisonment. This sentence will start to be calculated from the day he is executed. So, in essence, the defense counsel asks the court to ascertain the statute of limitations for the execution of the prison sentence, since according to Article 68/c of the Criminal Code, the execution of the sentence for the applicant is time-barred, because more than 5 years have passed since the day the decision became final and was not executed. Again, according to the defense, the convict must serve a sentence of 4 years and 4 months in prison, because he benefited from the law on amnesty. Consequently, since the sentence that the applicant must serve is less than 5 years, he should not be executed, as it is time-barred after the 5-year term."

Meanwhile, referring to the practice of the Court of First Instance for Serious Crimes¹², a different position has been taken. According to this position, amnesty is a legal act issued by the Parliament of Albania, which excludes from criminal prosecution or from serving full or partial punishment persons who have committed criminal offenses provided for by the amnesty law. The Assembly of Albania represents the legislative power, which is the sovereign power and, as such, it cannot change, correct or regulate previously rendered court decisions. If we were to accept that the amnesty as an act of the Assembly would interfere in the decisions of the courts, then the legislative power would intervene in the area of rights where the judicial power operates, which is impossible due to the principle of separation and balancing of powers provided for in Article 7 of the Constitution, where it is emphasized that the system of government is based on the division of power between the legislator, executive and judiciary.

In conclusion, according to this line of opinion, final sentencing decisions given by the courts cannot be corrected or corrected through the amnesty law. The object of the law on amnesty is the exclusion of convicts from further serving their sentences, both in full and in part, recognizing the fact that the amnesty has only these effects and cannot interfere with the statute of limitations for the execution of the sentence. This is a line of thought that has also found application in practice. Based on Article 68 of the Criminal Code, the legislator's intention was for the statute of limitations for the execution of the criminal sentence to be based on the principle of humanity, aiming at extinguishing the sentence in order to serve for the rehabilitation and education of the convict, and not simply for his punishment. The purpose of the statute of limitations of this institute is related to the non-execution of a decision, which, after the passage of a certain period of time, loses the reason and interest of the state and society to implement it. Also, one of the goals of the legislator in setting time limits for the execution of the criminal decision is the realization in practice of the general and special preventive effect of the punishment in each concrete case and the discipline of the process of execution of the sentence decisions in general and in particular in cases where the convicted person, for one or the other, this process is avoided or hidden. In relation to this issue, the courts do not have a consolidated practice, but we are of the opinion that based on the concept of amnesty, the amnesty sentence will not be included in the statute of limitations, as the provision itself states "that for decisions containing a sentence", expressly referring to the content of the decision and not what may happen in the future.

Thus, the reference that will be made in this case will be the measure of punishment determined in the decision of the Court and not the measure of punishment provided by the criminal provision for which the specific person has been declared guilty and

¹² the decision of the Court of First Instance for Serious Crimes no. 18 dated 17.03.2015, "amnesty is a legal act issued by the Assembly of Albania, by which persons who have committed criminal offenses provided for by the Amnesty Law are excluded from criminal prosecution or full or partial punishment. The Assembly of Albania represents the legislative power, the sovereign power and as such it cannot change, correct or regulate the decisions of the courts previously given by the courts. If we were to accept this fact, i.e. that the amnesty as an act issued by the Assembly could interfere in a criminal decision of the court, then the legislative power would intervene entirely in the area of rights where the judicial power operates, which is impossible because based on Article 7 of the Constitution, The system of government is based on the separation and balance of powers such as the legislature, the executive and the judiciary."

sentenced, as provided for in Article 66 of the Criminal Code regarding the statute of limitations for criminal prosecution. The word “decision containing” shall not be considered the measure of the remaining sentence to be physically served by the convict, which is calculated by the prosecutor on the basis of the decision of the court that assigned the sentence. The amount of punishment left to be physically served by the convict should not be confused with the measure of punishment provided by the court. The decision, as provided for in Article 68 of the Criminal Code, refers only to the decision of the court. The report of Articles 68 and 71 of the Criminal Code has this conclusion: the amnesty does not change the amount of punishment provided for in the court decision, but calculates it, finally deriving the amount of punishment that remains to be physically served. If we can make a parallel, the person will suffer less physically, the amount of punishment will remain the same as that set by the court, but he will suffer less physically, just like for those cases when the period of stay is reduced to the security measure or any other benefit that causes the time of suffering to change. The reduction of the sentence that is done due to the amnesty is a will of the legislator that is not related to the passage of any deadline provided for in the law, such as the statute of limitations for the execution of the sentence. In order to calculate the limitation periods, the extent of the sentence served by the court will be taken into account and not the amount of punishment that the convict has physically left to serve.

Conclusions, problems and recommendations

Conclusions

1. Statute of limitations for the execution of the sentence in relation to amnesty:

In relation to this problem, the amnesty sentence is not included in the statute of limitations, as the amnesty only changes the extent of the sentence to be physically served, not the sentence set by the court. The reference to the statute of limitations should be the measure of the sentence determined by the court, and not what is left to be served after the amnesty. This shows that the amnesty has no impact on the statute of limitations for the execution of the sentence, but only on the time of his physical suffering. The law on amnesty has clear limitations and cannot directly interfere with court decisions that have become final, excluding the amendment of sentencing measures imposed by the courts through another legal process. For this reason, there cannot be an intervention of the amnesty law in the statute of limitations for the execution of the sentence of an individual who has been found guilty in the final verdict.

Problems

1. Lack of a consolidated case law: Courts do not have a consolidated practice for dealing with amnesty in relation to the statute of limitations for the execution of sentences. The issue of the intervention of amnesty in final decisions has caused confusion and numerous debates in legal practice, due to different interpretations.

2. Lack of legal harmonization: The Law on Amnesty does not clearly define how changes in the measure of punishment in relation to the statute of limitations for execution should be handled. This has led to various decisions by the courts, which can affect the justice and enforcement of criminal decisions.

3. Consequences of legal uncertainty: The lack of a clear and precise legal regulation has created uncertainty in the interpretation of the law on amnesty, especially when it comes to interference with sentences imposed by the courts. This uncertainty can negatively affect the process of administering justice and the execution of criminal judgments.

Recommendations

1. Harmonization and unification of case law: A consolidated and unified case law should be established by the Supreme Court as a court of law which makes the interpretation of the law conclusively on how the amnesty affects the statute of limitations for the execution of the sentence, ensuring that the decisions are stable and equal for all convicts.

2. Clarification of legal provisions: The law on amnesty should be clearer, more complete and clarify how amnesty can affect the statute of limitations for the execution of sentences, as well as define its limitations and influences on final decisions. This may include an important clarification on the amnesty's intervention in the statute of limitations.

3. Revision of the legal provision Article 68 of the Criminal Code: we suggest an in-depth revision of Article 68 of the Criminal Code to ensure that amnesty sentences are not included in the statute of limitations for the execution of the sentence. This revision would help align this provision with criminal justice practices, ensuring a fairer and clearer application of the law in such cases.

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A Framework on Cross-Cultural Adaptation of International Students in a Developing Country: The Case of Albania

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Abstract

International student mobility has been widely studied in the context of students from developing countries moving to Western higher education institutions. However, little is known about the experiences of international students studying in developing countries, where cultural, institutional, and resource contexts differ substantially. This paper presents a theoretical framework for understanding the psychological and sociocultural adaptation of international students in Albania, a developing European country, highlighting unique challenges and opportunities in this underexplored context.

Drawing on Berry's (1997) acculturation model, adaptation is conceptualized as a dynamic process in which students negotiate maintaining their heritage culture while engaging with the host culture, resulting in varied psychological and sociocultural outcomes. Acculturative stressors—such as language barriers, cultural distance, and unfamiliar academic expectations—negatively impact psychological adaptation, including well-being, emotional adjustment, and mental health (Malota & Mucsi, 2025; Mahmood & Galloway Burke, 2018; Soheili & Lanz, 2025). Sociocultural adaptation involves acquiring culturally appropriate behaviours and skills to navigate the host environment effectively (Malota & Mucsi, 2025; Krsmanovic, 2019). Research indicates that social support, host-community connectedness, and institutional resources play critical roles in mitigating stress and facilitating adaptation.

In the Albanian context, limited supporting services, smaller international student cohorts, and distinct cultural norms may shape experiences differently than in Western universities. Studying this setting is particularly valuable as it challenges the prevailing focus on outbound student mobility from developing countries to Europe and North America, offering insights into adaptation in emerging educational destinations. Recent research provides further insight about the push and pull factors influencing student mobility in Albania (Doda, Hysa, & Liça, 2024), and how virtual mobility and internalization-at-home are additional pathways supporting adaptation (Rubarth et al., 2023).

This theoretical integration calls for empirical research on international students in developing country settings, considering psychological well-being, sociocultural adaptation, and institutional support. The proposed framework offers guidance for future studies and institutional policy, aiming to enhance student success, integration, and overall experience in underexplored higher education contexts.

Keywords: Cross-cultural adaptation, international students, developing countries, intercultural adjustment, higher education.

1. Introduction

International student mobility has expanded significantly over the past two decades and has become a central feature of higher education internationalization worldwide. Globally, participation in cross-border education has grown steadily, with international

students forming an increasing share of tertiary enrolments across many systems (OECD, 2024; UNESCO, 2023). In several OECD countries, international students now constitute a substantial proportion of total enrolments, reflecting the strategic role of mobility in the global knowledge economy (OECD, 2024).

Despite this growth, international student mobility continues to follow a dominant South–West trajectory, whereby students from developing or transitional contexts pursue degrees in highly resourced higher education systems in Western Europe, North America, and Australia (Altbach & Knight, 2007; de Wit, 2020). This structural asymmetry is reflected not only in enrolment patterns but also in the distribution of research attention and policy priorities. Albania illustrates this imbalance clearly: outward student flows significantly exceed inbound enrolments, with thousands of Albanian students studying abroad, particularly in Western European countries (INSTAT, 2023; World Bank, 2020). These patterns underscore the enduring appeal of established academic destinations and the persistent structural inequalities shaping global education trajectories. While international students are often examined as a broad and homogeneous category, far less attention has been paid to how students from smaller European nations, such as Albania, experience and negotiate cultural identity within these dominant host contexts (Canollari, 2011).

However, an emerging counter-trend has begun to reshape mobility patterns. Increasingly, students are choosing to pursue higher education within developing or semi-peripheral systems, motivated by affordability, geographic proximity, and regional integration dynamics (Knight, 2014; Marginson, 2016). Countries in South Eastern Europe are gradually becoming part of this evolving educational landscape. In Albania, although still modest in scale, international student enrolment has shown gradual development. According to national statistics, foreign students accounted for approximately 1.7% of total tertiary enrolment in the 2022–2023 academic year (INSTAT, 2023). The majority originate from regionally connected countries such as Italy, Kosovo, Montenegro, North Macedonia, but also from Turkey, the Middle East, and Asia, reflecting the growing relevance of regional academic mobility.

At the same time, Albania remains an emerging host within Europe’s international education landscape. Compared to regional peers, the number of inbound students remains relatively low, highlighting both the early-stage nature of Albania’s internationalization process and its potential for future development as a study destination (European Commission/EACEA/Eurydice, 2022).

Despite these evolving trends, academic research has largely overlooked the experiences of international students in developing host contexts. While extensive scholarship examines student adaptation in traditional destinations (Smith & Khawaja, 2011; Ward et al., 2001), limited attention has been paid to host environments characterized by emerging institutional capacity, evolving support structures, and distinct sociocultural settings. This gap is particularly pronounced in Albania, where systematic research on international students’ psychological and sociocultural adaptation remains scarce.

Addressing this gap is both theoretically and practically important. Examining adaptation within a developing host context challenges assumptions derived from Western-centric models and enables a more nuanced understanding of how structural

conditions shape student experiences (Marginson, 2016). Accordingly, the purpose of this paper is twofold. First, it seeks to develop a theoretically grounded and empirically informed framework for understanding the cross-cultural adaptation of international students in Albania. Second, it aims to situate Albania within the broader context of South Eastern European and developing-country host systems, contributing to a more balanced perspective on international student mobility.

By shifting analytical attention toward an emerging destination, this study contributes to the growing need for context-sensitive approaches to international student adaptation and provides a foundation for future empirical research in underexplored higher education environments.

2. Theoretical Framework

2.1 Acculturation Theory

Acculturation theory, particularly Berry's (1997, 2005) framework, provides a lens to understand international students' adjustment in host societies. Acculturation refers to the psychological and behavioural adaptation that occurs when individuals come into sustained contact with a new cultural environment, encompassing differences in language, academic norms, social expectations, and daily practices.

Berry's bidimensional model frames acculturation as a negotiation between maintaining one's heritage culture and engaging with the host society, producing four strategies: assimilation (adopting host culture, minimizing heritage), integration (balancing both cultures), separation (maintaining heritage, limiting host interaction), and marginalization (disengaging from both). Integration consistently correlates with more favourable adjustment outcomes, balancing cultural continuity with social participation (Berry, 2005; Nguyen & Benet-Martínez, 2013).

Adaptation is a multidimensional process with two interrelated outcomes: psychological adaptation (emotional well-being, life satisfaction, mental health) and sociocultural adaptation (skills for daily functioning and social interaction) (Ward & Kennedy, 1994; Ward et al., 2001). These dimensions are influenced by different mechanisms: psychological adaptation by personality, coping, and social support; sociocultural adaptation by cultural learning, language proficiency, and interaction with host nationals. This distinction is critical in developing contexts where formal support structures are limited and experiential learning predominates.

Acculturation can also be understood through the stress–adaptation–growth cycle (Kim, 2001), where initial stress from unfamiliar norms gives way to adaptive strategies, improving functioning and fostering intercultural competence. Acculturation is thus an ongoing negotiation rather than cultural replacement, with students actively constructing identities by balancing continuity and change (Schwartz et al., 2010). In emerging destinations like Albania, flexible, context-sensitive strategies are particularly salient. Integrating Berry's framework with adaptation dimensions and the stress–adaptation–growth perspective conceptualizes student adjustment as dynamic and contextually embedded, reflecting both cultural and structural challenges in developing higher education systems.

2.2 Psychological Adaptation

Psychological adaptation refers to emotional and mental well-being during cultural adjustment, including life satisfaction, emotional stability, and stress management (Ward & Kennedy, 1994; Smith & Khawaja, 2011). Acculturative stress—the psychological impact of navigating new social norms, academic expectations, and communication styles—can negatively affect self-esteem and life satisfaction (Berry, 2006; Zhang & Goodson, 2011).

In developing-country contexts, stressors include language barriers, cultural distance, and unfamiliar academic systems (Andrade, 2006; Ward et al., 2001; Glass et al., 2015). Structural factors, such as unclear administrative procedures or limited counselling, exacerbate stress (Marginson, 2014; Smith & Khawaja, 2011). Social support from peers, faculty, and host communities can buffer these effects, enhancing well-being and sense of belonging (Cohen & Wills, 1985; Zhang & Goodson, 2011). In contexts like Albania, where institutional resources are still evolving, informal social networks are often essential for fostering resilience and psychological adjustment.

2.3 Sociocultural Adaptation

Sociocultural adaptation focuses on practical competencies required to function effectively in the host environment, including behavioural competence, cultural learning, and everyday functioning (Ward & Kennedy, 1999; Ward et al., 2001). Behavioural competence involves performing routines in line with host norms (communication, classroom, professional interactions), while cultural learning entails acquiring knowledge of social rules and expectations. Every day functioning includes navigating transport, housing, banking, and academic administration.

Determinants of sociocultural adaptation include host interaction, cultural openness, institutional navigation skills, and informal support networks (Ward & Kennedy, 1999; Nguyen & Benet-Martínez, 2013; Chen et al., 2016). In developing contexts, where formal support is limited, peer networks and experiential learning play a central role in acquiring cultural knowledge and functional competence (Andrade, 2006). Sociocultural adaptation is distinct from psychological adjustment, requiring active learning, cultural negotiation, and skill development, which are critical for academic success and broader integration in emerging destinations like Albania.

2.4 Contextual Moderators in Developing Countries

Adaptation is shaped not only by individual factors but also by contextual conditions. In developing-country hosts like Albania, institutional capacity, student services, cohort size, and host attitudes fundamentally influence adjustment. Limited formal support—orientation programs, counselling, language services—can increase reliance on informal networks (Marginson, 2014; Andrade, 2006). Smaller international cohorts may restrict exposure to cross-cultural exchange but foster closer peer support (Ward & Kennedy, 1999; Chen et al., 2016).

Host society receptiveness also matters: inclusive norms facilitate adaptation, whereas exclusionary behaviours heighten stress. Informal pathways—peer mentoring, host-family interactions, community networks—often compensate for institutional gaps, enabling experiential learning and sociocultural integration (Chen et al., 2016).

A context-sensitive adaptation model thus integrates individual (personality, motivation), social (peer and host networks), and contextual factors (institutional resources, societal attitudes) to explain psychological and sociocultural outcomes. This approach moves beyond Western-centric assumptions and reflects the dynamic, multi-level nature of adaptation in developing-country settings like Albania.

3. Empirical Evidence from South Eastern Europe & the Balkans

International student experiences in Albania cannot be fully understood in isolation. The broader South Eastern European (SEE) and Balkan region provides a relevant comparative context, as countries in this region share historical, political, and institutional legacies that shape higher education and student adaptation processes. Examining regional empirical evidence highlights both common challenges and opportunities for international students in developing or transitional host systems.

Following the collapse of socialist regimes in the 1990s, countries in South Eastern Europe underwent extensive post-socialist transitions, including profound reforms in higher education systems (Cummings, 2012; Kolev, 2014). Universities faced the dual challenge of modernizing curricula and governance structures while navigating limited financial and infrastructural resources. Many institutions retain hybrid organizational cultures that blend remnants of state-centered management with emerging market-oriented and internationalized practices (Kelo et al., 2013).

Internationalization has increasingly become a formal policy goal across the region, driven by both European integration initiatives and efforts to attract foreign students as part of regional knowledge economies (Altbach & de Wit, 2015). However, resource constraints persist, ranging from limited counselling and language services to underdeveloped IT and administrative infrastructures, which shape the capacity of institutions to support international student adaptation (Glass et al., 2015; Kelo et al., 2013). In this context, international students frequently navigate informal systems and rely on peer networks to compensate for institutional gaps, highlighting the importance of a context-sensitive perspective when analysing adaptation (Chen et al., 2016).

Empirical studies across the Balkans, including Serbia, Bosnia and Herzegovina, North Macedonia, Croatia, Bulgaria, and Romania, reveal several common challenges faced by international students. Universities in the region often lack structured orientation programs, academic advising, and intercultural training, creating gaps in formal support systems (Krsmanovic, 2019; Nikolic et al., 2020). Administrative complexity, characterized by bureaucratic procedures, inconsistent communication, and unclear regulations, further contributes to student stress (Škugor & Klasan, 2019). Even in programs delivered in English, language barriers remain significant, as local administrative and social interactions frequently require proficiency in the host language (Malota & Mucsi, 2025). Structured integration initiatives are limited, which reduces opportunities for host-student interaction and cultural immersion (Kelo et al., 2013). As a result, students often rely on co-national peers and informal support networks to navigate both academic and everyday life challenges (Krsmanovic, 2019).

Despite these obstacles, students in the Balkans display notable adaptation patterns. Informal social support networks, such as friendships, study groups, and host-family connections, play a critical role in compensating for gaps in formal support (Chen et al., 2016). Students also demonstrate high levels of resilience, flexibility, and problem-solving skills, reflecting both personal motivation and prior intercultural experiences (Nikolic et al., 2020). Co-national networks, particularly in smaller cohorts, provide essential emotional, social, and practical support, which enables students to manage adaptation more effectively (Malota & Mucsi, 2025).

Psychological outcomes in the region suggest that acculturative stress tends to be moderate, influenced by the size of international student cohorts and the availability of institutional support (Škugor & Klasan, 2019). Loneliness and social isolation are more pronounced in smaller cohorts or in universities where peer and host-community connections are limited (Krsmanovic, 2019; Malota & Mucsi, 2025).

Looking more broadly across South Eastern Europe, certain regional patterns emerge. Shared historical, linguistic, or cultural ties with neighbouring countries can facilitate adaptation by reducing acculturative stress and promoting social integration (Kelo et al., 2013; Škugor & Klasan, 2019). However, bureaucratic and structural barriers remain pervasive; students must navigate underdeveloped administrative systems, unclear institutional procedures, and limited support services (Malota & Mucsi, 2025). Host populations are often welcoming, yet the lack of formalized integration programs can restrict the practical benefits of this goodwill (Nikolic et al., 2020).

Overall, these findings indicate that international students in Albania are likely to encounter a combination of supportive social environments and structural constraints similar to those observed in neighbouring Balkan countries. This regional perspective underscores the importance of contextualized adaptation models that account for both individual and systemic factors in emerging host destinations.

4. Evidence from Other Developing Hosts

To contextualize the experiences of international students in Albania, it is instructive to examine evidence from other developing-country host contexts, including Turkey, Malaysia, China, South Africa, the United Arab Emirates (UAE), and emerging Eastern European destinations. Comparative studies reveal that students in these contexts often face adaptation challenges distinct from those in well-resourced Western universities, but they also encounter unique opportunities that may facilitate integration and learning.

One of the central patterns observed across these developing-country hosts is the presence of institutional gaps. Universities often have limited support structures, including underdeveloped counseling services, language assistance programs, and orientation initiatives, which contrasts with the comprehensive support systems typical of Western institutions (Beine, Noël, & Ragot, 2014; Chen, 2017). Administrative complexity and inconsistent communication also appear as recurrent challenges, requiring students to actively navigate bureaucratic processes with limited guidance (Sawir et al., 2008; Wu, Garza, & Guzman, 2015).

In response to these gaps, informal support mechanisms become critical. Peer networks, faculty mentorship, and community connections play a central role in

helping international students adapt both academically and socially. Studies in Malaysia and Turkey have shown that strong peer networks provide emotional support, guidance on navigating institutional procedures, and assistance with cultural learning, thereby mitigating acculturative stress (Yusoff et al., 2019; Bayram & Bilgel, 2008). Faculty support, particularly through accessible academic staff and personalized mentorship, also enhances both sociocultural and psychological adaptation by facilitating classroom engagement and providing reassurance in academic challenges (Chen, 2017; Sawir et al., 2008). Community inclusion, including participation in local activities and intercultural programs, further supports students' integration and fosters a sense of belonging (Wu et al., 2015).

Despite these challenges, several unique opportunities emerge in developing-country contexts. Students often experience less competitive academic environments compared to high-pressure Western universities, which can reduce performance-related stress and allow more collaborative learning approaches (Beine et al., 2014; Yusoff et al., 2019). Closer student-staff relationships are common, facilitating communication, individualized guidance, and mentoring that enhances both academic and psychosocial adaptation (Chen, 2017; Wu et al., 2015). Moreover, stronger community integration, facilitated by smaller international student cohorts and culturally connected local populations, can provide social support and practical assistance that complement formal institutional services (Sawir et al., 2008).

Taken together, evidence from other developing-country hosts reinforces the patterns observed in the Balkans, highlighting the importance of peer networks, faculty support, and community engagement in supporting international student adaptation. Simultaneously, it underscores that less-resourced or emerging systems can also offer distinctive advantages, such as closer interpersonal relationships, reduced academic pressure, and enhanced social cohesion, which may not be as readily available in Western host contexts. These findings provide a comparative benchmark for understanding international student experiences in Albania and for developing context-sensitive adaptation frameworks that recognize both constraints and opportunities in emerging host destinations.

5. Albania as an Emerging Host

Albania is an increasingly visible but still emerging destination for international students. While the country has experienced growth in higher education internationalization, it remains underexplored in the academic literature on cross-cultural adaptation. International students' decision to study in Albania is shaped by a combination of push-pull factors, including affordability, regional proximity, and perceived academic quality (Doda, Hysa, & Liça, 2024). Drawing on regional evidence from South Eastern Europe and other developing-country contexts, the Albanian case illustrates how structural, social, and cultural characteristics shape student experiences, as well as how institutional initiatives interact with these dynamics.

5.1 Structural Characteristics

Albania hosts a small but growing international student population, with most students concentrated in urban centers such as Tirana and Shkodra (Malota & Mucsi,

2025). Institutional support remains limited; formalized services such as orientation programs, counseling, and academic advising are still under development, reflecting broader constraints in university resources (Kolev, 2014; Glass et al., 2015). At the same time, Albanian universities have begun implementing early-stage internationalization strategies, including joint and double degree programs, English-language courses, and participation in European mobility schemes such as Erasmus+ (Pinari, 2024; Ismaili, 2025). These initiatives, though unevenly implemented, create structured opportunities for social, academic, and cultural engagement, directly influencing students' adaptation experiences. Consequently, students may encounter both new educational opportunities and uncertainty due to institutional gaps.

5.2 Adaptation Dynamics

Based on acculturation theory and regional evidence, international students in Albania are likely to experience distinct psychological and sociocultural adaptation dynamics. Psychologically, stress may arise from uncertainty, limited formal support, and resource gaps. Nevertheless, well-being is often supported by social proximity within small cohorts, co-national networks, and host-community interactions, which provide emotional reassurance (Ward et al., 2001; Chen et al., 2016; Malota & Mucsi, 2025). Participation in structured mobility programs like Erasmus+ further strengthens psychological adjustment by fostering intercultural competence, peer learning, and a sense of belonging within broader European networks (Myrta, 2026).

Sociocultural adaptation occurs primarily through informal immersion, including peer interactions, community events, and everyday social exchanges. Virtual mobility and internationalization-at-home initiatives expand these opportunities, allowing students to engage in intercultural learning and maintain peer connections even when formal support is limited (Rubarth et al., 2023). The relatively small student population and tight-knit communities facilitate faster integration at the local level, enabling students to develop behavioural competence and cultural understanding through experiential rather than purely institutional mechanisms (Andrade, 2006; Glass et al., 2015).

5.3 Distinctive Features of Albania

Several contextual features distinguish Albania as a host environment. Tight-knit social structures and strong family and community networks create supportive environments that aid adaptation, while cultural hospitality norms foster inclusion and interpersonal relationships with local students and host families (Malota & Mucsi, 2025). Formal institutional services remain limited; however, informal support—including peer networks, student associations, mentors, Erasmus+ programs, and virtual mobility initiatives—plays a central role in facilitating both psychological and sociocultural adjustment. These features underscore the importance of culturally embedded adaptation pathways and illustrate how institutional and contextual factors together shape international student experiences in Albania (Chen et al., 2016; Rubarth et al., 2023; Myrta, 2026).

Albania is an increasingly visible but still emerging destination for international students. While the country has experienced growth in higher education

internationalization, it remains underexplored in the academic literature on cross-cultural adaptation. Drawing on regional evidence from South Eastern Europe and other developing-country contexts, the Albanian case illustrates how structural, social, and cultural characteristics shape student experiences.

6. Toward a Contextualized Adaptation Framework

Building on theoretical insights and empirical evidence from Albania, the Balkans, and other developing-country hosts, a context-sensitive framework for international student adaptation can be proposed. This framework integrates multiple interacting factors across individual, social, institutional, and contextual domains.

Individual factors include cultural distance, language proficiency, and prior mobility experience, all of which influence both psychological resilience and sociocultural competence (Ward & Kennedy, 1999; Nguyen & Benet-Martínez, 2013).

Social factors encompass peer support, host friendships, and co-national community engagement, which mitigate acculturative stress and facilitate behavioural learning in everyday life (Chen et al., 2016; Sawir et al., 2008).

Institutional factors refer to university services, academic flexibility, and internationalization policies, which provide structural support and shape the accessibility of adaptation resources (Glass et al., 2015; Kelo et al., 2013).

Contextual factors capture broader environmental influences, including resource availability, cultural openness, and the scale of internationalization within the host society. These elements interact with individual and institutional characteristics to influence both psychological adaptation and sociocultural adjustment outcomes, emphasizing that adaptation in developing contexts is dynamic, relational, and contextually embedded (Ward et al., 2001; Malota & Mucsi, 2025).

7. Implications and conclusion

The proposed framework has implications for research, policy, and practice. From a research perspective, there is a need for localized studies that move beyond Western-centric models of international student adaptation, examining underexplored settings such as Albania to better understand context-specific dynamics (Smith & Khawaja, 2011; Chen et al., 2016).

For policy, universities should develop structured support services, including orientation programs, intercultural training, and peer mentoring systems, to facilitate both psychological well-being and sociocultural competence among international students (Ward et al., 2001; Glass et al., 2015).

In terms of practice, strengthening informal integration mechanisms—such as student associations, community engagement initiatives, and co-national mentoring programs—can provide essential adaptive support, particularly in contexts with limited institutionalized services (Andrade, 2006; Malota & Mucsi, 2025).

To conclude, Albania represents an underexplored but valuable case for studying international student adaptation in developing-country contexts. The dynamics of adaptation in such hosts differ from Western models, shaped by smaller student

populations, limited formal support, and strong informal social networks. Regional comparisons with the Balkans and other developing hosts provide critical insights into both challenges and opportunities, highlighting the role of social, institutional, and contextual factors in shaping psychological and sociocultural adjustment. These findings underscore the importance of empirical research grounded in local realities, offering guidance for theory, policy, and practice in emerging international education destinations.

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The naming of animals depending on economic interest in the Albanian language

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Abstract

This paper addresses the naming of domestic animals in the Albanian language depending on their economic interest in the societies in which they have existed. By analyzing the names related to some of the animals most representative of the traditional economy (such as sheep, cattle, goats, and poultry), the paper aims to show that there is a direct connection between lexical richness and the usefulness that an animal has in the practical life of the community. It also aims to reveal the distinction between animals with high economic interest and those that have not had such interest, in order to show that the presence or absence of a rich system of names is an indicator of the animal's importance in the economic structure of Albanian society.

In this paper, the names of animals with high economic interest as well as the names of wild animals or animals without economic interest (non-productive) are treated, in order to show that the lack of interest in everyday life is reflected in the lack of lexical richness and in poorer linguistic structuring.

The naming of animals in the Albanian language is not a random process, but deeply reflects the social and economic relationships that humans have built with living beings throughout history. In traditional Albanian culture, which is closely connected to agriculture and livestock farming, economic benefit has been one of the determining factors for the creation and multiplication of names that designate domestic animals.

Through different names for the same animal (according to gender, age, or the function it performs), the Albanian language reflects not only biological distinctions, but also the different economic and social functions that these animals have had in everyday life. This shows that language, in addition to being a means of communication, is also a classificatory mechanism that structures reality based on its value to humans.

Overall, this study aims to demonstrate that names are a linguistic reflection of a society's system of economic values and that the Albanian language in particular, through the naming of animals, accurately reflects the concrete functions these animals have performed in traditional Albanian life.

Keywords: Language, economic interest, naming, means of communication, life practice.

Introduction

The study of the Albanian language from a lexical perspective has increasingly focused on certain terms that preserve deep traces of the historical and cultural heritage of its speakers. Among these, the names of living beings represent a lexical category with multiple values: they carry biological realities, cultural symbolism, as well as semantic developments that reflect the process of conceptualization that the Albanian community has built around nature and the living world.

In every traditional society, especially in agricultural and pastoral cultures like the Albanian one, the relationship between humans and domesticated animals is

structured around the economic interest they provide. This interest which includes food, clothing, labor, means of transport, or marketable products has directly influenced the creation and multiplication of lexical terms for animals.

Words that name living beings such as domestic animals, wild animals, birds, and fish are among the earliest and most stable words in any natural language. These words are closely linked to human experience, traditional economy, beliefs, symbolism, and everyday life. For this reason, they usually preserve very meaningful and rich semantic developments.

In this sense, language is not only a means of communication but also a document of economic and cultural values, where material benefit is one of the fundamental motivations for the precise distinction and naming of animals, according to their biological and functional characteristics.

Methodology

This study is based on an interdisciplinary approach that combines linguistic analysis with a socio-economic perspective. At the core of the analysis is the concept that language reflects the life practices and economic relations of a community.

The study of the names of living beings in the Albanian language through lexicographic sources, such as Albanian explanatory dictionaries, allows for the examination of the evolution of the lexical, semantic, and etymological system of these lexemes. This approach focuses on four main classes of living beings: domestic animals, wild animals, birds, and fish, based on three standard dictionaries of the Albanian language: *Fjalori i gjuhës shqipe* (1954), *Fjalori i gjuhës së sotme shqipe* (1980), and *Fjalori i gjuhës shqipe* (2006).

The method used is primarily lexico-semantic, analyzing:

- The naming systems of domestic animals in the Albanian language;
- Differences within a lexeme (e.g., “dele” [sheep]) according to gender, age, and economic function;
- How economic benefit influences the creation of animal names.

The analysis was conducted by collecting data from Albanian language dictionaries. To clearly illustrate the relationship between naming and economic interest, comparative tables for different animals were also created, including indicators such as gender, age, economic interest, and corresponding lexical richness. This methodology aims to highlight not only the classificatory nature of language but also its function as a cultural and economic document. Examples of both major groups those with high economic interest and those without are presented below:

- Sheep – ram – lamb: a lexical system built on economic interest.

The case of the sheep is among the most representative in Albanian. This animal, which has been essential for Albanian pastoralism, has produced a dense lexical network:

<i>Leksema</i>	<i>Meaning</i>	<i>Economic function</i>
Sheep	Domesticated animal, female	Milk, wool, meat
Ram	Male of the sheep;	Reproduction, meat
Lamb	Young of the sheep;	Fresh meat (symbol of sacrifice)
Flock	Group of sheep	Economic management unit

This lexical system is a direct response to the demands of traditional life. Sheep wool has been essential for clothing, the lamb for use in festivals and family occasions, and the ewes for maintaining the flock and reproduction. This lexical richness is not built for every animal, but only for those that played an economic role in daily life.

The cow – bull – calf – heifer system: economic interest and lexical organization
Another similar system appears in relation to large cattle:

<i>Leksema</i>	<i>Kuptimi Meaning</i>	<i>Economic function</i>
Cow	Female animal that gives milk	Milk, hide, meat
Bull	Male	Field work, reproduction, meat
Calf	Young of the cow	Fresh meat, raising for milk/meat
Heifer	Young cow that has not yet calved	Preparation for milking

As observed, according to the Albanian pastoral tradition, the use of such names allowed for the differentiation of an animal's status within the family economy: a dairy cow was treated differently from an ox used for plowing, a calf for slaughter, or a heifer expected to bring profit. The goat – billy goat – kid and chicken – rooster – egg systems: economic interest as a factor in lexical enrichment

<i>Leksema</i>	<i>Meaning</i>	<i>Economic function</i>
Goat	Female animal;	Milk, hide, meat
Billy	Male	Reproduction, meat
Kid	Young of the goat;	Fresh meat, raising for milk/meat

The same structural logic applies to other productive animals:

Thus, the broad and widespread economic interest in the goat (as an animal with multiple functions) has encouraged the creation and preservation of a rich lexical system for it, showing distinctions in names according to gender, age, and function or use. This was done to differentiate the producers, the breeders, and the animals intended for slaughter.

<i>Leksema</i>	<i>Meaning</i>	<i>Economic function</i>
Chicken	Female;	Eggs,meat
Gjel	Male;	Reproduction, meat
Chick	Young of the hen;	Meat

Here too, a direct connection between naming and economic interest is observed. Only for animals that provide regular production do we find clear names that are used in many idiomatic expressions. Thus, the names of animals useful to the communities in which they lived have been preserved in numerous proverbs, blessings for prosperity and abundance, as well as curses. For example, “*Të shtoftë lopët e delet*” (“May the cows and sheep multiply”), a blessing for wealth, or “*I ha delet por s’ia jep leshin*” (“He takes the sheep but does not give the wool”), referring to a person who exploits secretly, etc.

Exceptions that confirm the rule (wild animals and lack of economic benefit)

For animals that have not had direct economic interest (or are not domesticated), we do not find the same structured naming system. For example: the fox, wolf, and owl are used in folklore and mythology, but not in the economy; they do not have gender or age distinctions. They are important cultural figures but do not have a detailed lexical system differentiating gender, function, or age. As names, they remain isolated, without a broad lexical formation. This confirms that only animals that are part of daily economic life are present with rich linguistic structures.

From the observations above, we can say that the naming of animals in Albanian is not merely a zoological classification, but a reflection of the traditional Albanian economic and cultural system. Wherever there has been labor, daily use, regular production, and long-term relations with an animal, there has also been lexical richness. That is, the language has constructed:

- A rich and sometimes complex lexical structure;
- Specialized vocabulary according to usage;
- Figurative uses preserved in idiomatic expressions (which differ from animal to animal).

This has greatly contributed to structuring the economic and cultural reality of the speakers. Below, we present, in a table, the names of domestic animals based on the economic interest the speakers had in them, reflecting this also in the number of names produced for these animals.

Tabela 1: Emërtimi i kafshëve shtëpiake në varësi të funksionit ekonomik

<i>Animal</i>	<i>Gender/age</i>	<i>Economic benefit</i>	<i>Economic interest</i>	<i>Corresponding lexemes</i>
<i>Sheep</i>	Female	Milk, meat, wool	Food and textile production	Sheep
-	Male	Reproduction, meat	Flock sustainability	Ram
-	Young	Meat	Slaughter, sacrifice, consumption	Lamb
<i>Goat</i>	Female	Milk	Food and family sustainability	Goat
-	Male	Reproduction	Breeding	Billy goat
-	Young	Meat, traditional use	Consumption and traditional rites	Kid
<i>Cow</i>	Female	Milk, meat	Food supply	Cow
-	Male	Plowing, reproduction, meat	Work and meat	Bull
-	Young	Meat	Slaughter, raising	Calf

-	Young	Milk after calving	Entry into reproduction	Heifer
<i>Chicken</i>	Female	Eggs, meat	Food production	Chicken
-	Male	Reproduction, meat	Food production	Rooster
-	Young	Meat	Slaughter, raising	Chick
<i>Donkey</i>	Male	Power for carrying loads	Work (transport, agriculture)	Donkey

Tabela 2: Krahasim i pasurisë leksikore sipas vlerës ekonomike të kafshëve

<i>Animal</i>	<i>Economic interest/benefit</i>	<i>Lexical richness</i>	<i>Examples of corresponding lexemes</i>
Sheep	Very high	Very rich	Sheep, ram, lamb, flock
Goat	Very high	Very rich	Goat, billy goat, kid
Cow	Very high	Very rich	Cow, bull, calf, heifer
Chicken	High	Structured	Hen, rooster, chick
Donkey	Medium	Limited	Donkey, jenny
Wolf	No economic benefit	Poor	Wolf (phraseology, folklore)
Fox	No economic benefit	Poor	Fox (phraseology)
Eagle	No economic benefit	Poor	Eagle (phraseology)
Partridge	No economic benefit	Isolated	Partridge (folklore, phraseology)
Eel	No economic benefit	Isolated	Eel (folkloric figure)

Results

The analysis of domestic animal names in the Albanian language shows that there is a close connection between lexical structure and their economic value. The most important findings can be summarized as follows:

Firstly, animals that have had a stable and multifaceted economic function in communities particularly in traditional Albanian society (such as sheep, cows, goats, and chickens) have been named in detail and have created a rich lexical repertoire according to: gender (e.g., sheep / ram; goat / billy goat; chicken / rooster); age (e.g., lamb, calf, kid, chick); and economic function.

Secondly, for each economically valuable animal, internal lexical microsystems have been formed to reflect the specific functions it fulfills, thus creating well-structured naming systems such as:

- Sheep – ram – lamb – flock
- Cow – bull – calf – heifer
- Goat – billy goat – kid
- Chicken – rooster – chick – egg

Thirdly, animals that did not have a direct economic use or interest in traditional Albanian life (such as wolves, foxes, owls, etc.) have not generated rich or complex naming systems. Their names are mostly preserved in idiomatic expressions, folklore, and mythology. That is, there are no distinctions according to gender, age, or function. Additionally, it is noted that some names of certain economically relevant animals are preserved mainly in specific dialects, indicating that these animals had use in narrow geographic and cultural contexts.

Finally, comparative tables included in the study clearly reflect the relationship between economic interest and the number of developed names for each animal because of it, versus animals without economic interest and consequently without multiple names. This highlights the significant difference (in terms of lexical richness) between productive animals and symbolic or wild ones.

Discussion

The results of the analysis clearly show that the naming of domestic animals in the Albanian language is not merely a natural linguistic or biological matter, but a direct reflection of the economic and cultural reality of Albanian society. Lexicon develops according to the concrete needs of everyday life, and it is enriched where there exists a specific economic function or interest.

The construction of lexical systems for animals that consistently produce essential goods (milk, meat, wool, eggs, labor) demonstrates that the language categorizes not only according to the nature of the animal but also according to its contribution to the economic life of speakers. Linguistically, it becomes clear that a lamb is not just the young of a sheep, but a functional unit for fresh meat, connected to festivals, rituals, and consumption. Comparative lexeme tables show that sheep, cows, and goats have the greatest lexical richness. This occurs because these animals represent the core of the traditional family economy: they feed, clothe, and sustain production, and therefore, each stage of the animal's life cycle has a specific name.

Conversely, for wild animals or those without economic interest, the logic is different they do not have the same wealth or multiplicity of names. For example, animals like the wolf, fox, and eagle (regarding their names) remain isolated and do not produce new names based on gender, age, or function/use, showing that language does not create naming systems for what does not belong to economic practice.

Regarding idiomatic expressions and toponymy, these are two areas where the continuity and economic significance of these names are reflected. Expressions like "May the cows and sheep increase" or "There is a goat, but no billy goat" are not only linguistic assets but also cultural evidence of the animal's value in community life. Dialects, especially in mountainous and pastoral areas, preserve functional precision in naming, retaining lexemes related to specific phases of animal use. These names are rare in the standard language but alive in local practical usage, forming important

components of ethno-lexicon.

Conclusion

The analysis of domestic animal names in Albanian demonstrates that the lexical structure is not randomly formed but is based on functional and economic principles arising from everyday life needs in traditional Albanian society.

In conclusion, the main points are:

- Naming according to economic interest implies that only animals that played a significant role in the family economy (in producing milk, meat, wool, eggs, or agricultural labor) have developed a rich lexical structure dividing them by gender, age, and function.
- The existence of multiple names for practically used animals (sheep, goat, cow, chicken) shows a clear link between language and economy, where language categorizes and processes in detail only what has significance in the speaker's/ community's life.
- On the other hand, there is a lack of structure for animals without economic use, for wild or symbolic animals, which are represented by a single name without functional or gender distinctions. This demonstrates that language does not organize at the same level what does not belong to practical production or consumption.
- Regardless of economic interest, idiomatic systems and folk culture preserve the names of various animals (e.g., wolf, fox), which have found wide usage in expressions as folkloric figures. Still, the lexicon of economically useful animals occupies a more stable place in idiomatic expressions, toponymy, and dialect dictionaries, further reinforcing the cultural and identity role of these names.

Words related to the animal world represent not only the natural world but also a human-constructed and organized structure, where naming serves to organize economic, social, and symbolic experience.

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A comparative analysis of machine translation quality for the English-Albanian language pair

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Abstract

A recent debate among translators and researchers is the potential of Machine Translation (MT) to replace human translators. The researchers question if machine translation quality will ever reach the same level with human translation (HT). Although there is a great advancement of translation quality in Neural Machine translation (NMT) and Large Language Models (LLMs), there are still limitations and challenges that only human translators can handle such as context, cultural nuances, creativity, style and domain-related factors. This article analyzes machine translation quality in comparison with human translation using the human evaluation method Multidimensional Quality Metrics (MQM). A political text corpus for the English- Albanian language pair was translated by a professional human translator serving as the gold standard and compared against Google Translate and ChatGPT outputs. A comparative analysis was performed between these two machine translation systems as well, revealing which one outperforms the other for the Albanian language. MQM determines the translation quality better than automatic metrics which often fail to capture quality features such as accuracy, fluency and context. By MQM we mark error categories and severity level providing a wide array of quality dimensions. The quality of translation is determined quantitatively with a quality score by employing a scalar metric and qualitatively by analyzing the different error types. The study provides insights about the strengths and weaknesses of MT. It is observed the improvement of machine translation quality but also the challenges of Albanian low-source language. Human translators are recommended to rely on MT and integrate these tools in their workflows.

Keywords: Machine translation, Human Translation, Translation quality metrics, Accuracy, Fluency, Google Translate, ChatGPT, MQM, error types, low-source language.

1.Introduction

The rapid development of Artificial Intelligence with Neural Machine Translation has completely changed translation, causing a heated debate about whether machine translation will eventually replace human translators (Al Ghamedi, 2024). Recently, there has been a great improvement and advancement in translation quality of machine translation through Neural Machine Translation (NMT) and Large Language Models (LLM). This progress poses the question whether machine translation will ever achieve the same quality or be in par with human translation (HT). Some researchers like Hassan, Barrault and Bojar believe that machine translation (MT) has reached the level to be compared to human translation. NMT systems and LLMs have great improvements in translation quality for different language pairs. Costa-juss (2024)

states that MT has achieved almost human parity for high-resource language pairs. On the other hand, Laubli, Toral, Freitag and others argue that MT falls behind when compared to HT. There are some aspects which MT struggles with and only human translators can manage such as context comprehension, cultural nuances, creativity, style and domain-related factors (Sheng and Kong, 2023).

However, this constant debate, it is evident that MT is advancing and it can produce high-quality translation. But there is a gap between MT and HT quality. Examining this gap is the main focus of this paper. Therefore, the aim is to examine the translation quality of Google Translate and ChatGPT in translating political texts from English to Albanian. An evaluation of the translation quality for each system output is performed in comparison with human reference using Multidimensional Quality Metrics (MQM) framework (Lommel et al, 2024), which provides a more comprehensive evaluation approach than traditional automatic metrics. This study addresses the strengths and weaknesses of MT. By employing MQM framework, an error classification is presented when translating English texts to Albanian using Google Translate and ChatGPT. MQM enables a detailed and fine-grained error analysis through multiple quality dimensions, including accuracy, fluency, terminology and style (Ibid.). The analysis according to MQM typology provides error types which occur when translating English texts to Albanian, their description with explanation and examples, severity level and annotation. A comparative analysis between MT and HT using human evaluation metrics like MQM instead of automatic metric is a challenging research topic for low-resource language like Albanian and political-domain. Albanian language poses a very difficult case study as being a low-resource language with limited parallel corpora for training neural models and linguistic diversity (Mati et al 2021). Due to the insufficient digital resources for terminology, Albanian faces the same difficulties as many underserved languages in MT era (Abej et al, 2025). There is no high-quality training data for Albanian and this leads to the evaluation of the current state and limitations of MT technology in low-resource context. Albanian presents challenges because of grammatical structures, morphological complexity and cultural linguistic features and this complicates automated translation. Analyzing political text adds to the difficulty of translation challenges because of the specialized vocabulary and terms, rhetorical structures and cultural concepts that need to be handled carefully by the translator (Zhu, 2023). The translation of political texts requires not only having linguistic accuracy but also maintaining the rhetorical structures, the appropriate register and knowing the political and cultural contexts.

By analyzing and comparing to human translation Google translate outputs which represents a state-of-the-art Neural Machine translation and ChatGPT translation which represents Large Language Model, this research aims to present the current state of MT for the English-Albanian low-resource language pair and for political domain.

This study is significant not only of academic and research interest but also contributes with practical implications for translation practice, translation technology development and improvement. Understanding the strengths and weaknesses of MT for Albanian can inform us to adopt and integrate technology, enable the development

of improved MT resources and help realize the importance of the role of MT in professional workflows. Additionally, this study contributes to the low-resource language support in natural language processing, emphasizing the need to invest in resources and research so that to have an equal access to language technology for Albanian language, too.

Based on the literature review, this is the first study that compares MT with HT for political text from English to Albanian. There are multiple studies on other languages but not for Albanian. These studies show that NMT and LLM translation struggles with low-resource languages and therefore, it is significant to investigate that how these MT systems perform when translating English to Albanian, featuring a rich morphology.

This paper conducts an empirical analysis of Google translate and ChatGPT translation error types using MQM quality evaluation as the analysis too. By identifying, classifying and analyzing the nature and severity of translation errors, the study reveals the limitations of these two systems and it provides insights that may inform MT improvement and translator training in post editing practices.

2. Literature Review

2.1 Evolution of Machine Translation technology

Machine translation has undergone through a huge transformation over the past two decades, evolving from rule-based systems to statistical approaches (Sin-wai, 2015) and ultimately to Neural architectures (Yuna et al, 2026). NMT like Google Translate brought about a revolution in using deep learning models to capture complex linguistic patterns and contextual dependencies (AIGHamedi, 2024). Recently, LLMs, exemplified with ChatGPT, introduced a new paradigm in translation technology (Kumar and Murugesan, 2025). Now the primary focus is not like NMT performs, source-to-target mapping (Lee et al, 2017) but showing contextual understanding and performing more nuanced language processing tasks (Fadaee, 2020).

The advent of LLM translation is not simply a technology development but also a fundamental shift on the way how machines approach language understanding. Studies indicate that ChatGPT can understand contextual nuances, know cultural references and choose appropriate target language style in ways that can outperform the traditional NMT systems (Mohsen, 2024). However, there are still limitations about consistency, specialized terminology handling and the need for more computational resources (Briv-Iglesias and Dogru, 2025).

2.2 Translation Quality Assessment

Translation quality assessment (TQA) has evolved significantly over the past decades. The evolution of machine translation introduced a new paradigm to TQA as well. Translation quality evaluation moved from merely automatic metrics to more advanced human evaluation frameworks (Lommel et al, 2014). Automatic metrics such as BLEU and METEOR fail to capture essential quality features including accuracy, fluency and contextual appropriateness (Park & Pad'ò, 2024). These metrics mainly rely on lexical matching with reference translations and cannot fully assess

more nuanced aspects of translation quality (Pan et al, 2025).

The Multidimensional Quality Metrics (MQM) framework addresses these limitations by providing a fine-grained analytic approach that captures more complex dimensions and aspects of translation quality. (Lommel et al, 2024) Developed through the EU-funded QT Launch Pad project, MQM provides an extensive system for describing translation quality metrics using shared vocabulary of issue types. (Ibid.)

MQM offers a comprehensive approach that evaluates multiple dimensions including terminology, accuracy, fluency and style. MQM error typology allows evaluators and annotators to identify and classify specific problems in translations with fine-grained precision and explanations (Freitag et al, 2021). Errors are marked at the word or phrase level and given severity rating (minor, major or critical), both providing quantitative scoring and qualitative analysis of translation quality (Li & Huang, 2025). This multi-layered and fine-grained approach proves to be mainly valuable for evaluating translations in specialized domain where accuracy and precision are of prior importance (Lu, 2025).

2.3 Studies comparing NMT and LLM translation quality

Translation technology has been transformed by the advancements in Neural Machine Translation (NMT) exemplified with Google Translate and Large Language Model translation (LLM) exemplified with ChatGPT. Multiple studies have employed Multidimensional Quality Metrics (MQM) framework to compare the performance and quality of these automated systems against human translation (HT) across various linguistic pairs, domains and text types (Jiang et al, 2024).

Google Translate, as a leading NMT system has been a gold standard in numerous comparative studies. However, LLM like ChatGPT has introduced a new paradigm, showing capabilities which sometimes are equal or even outperform NMT systems (Ibid.)

Studies comparing Google Translate (GT) and ChatGPT reveal differences. For general texts, ChatGPT outperforms GT in terms of fluency and contextual understanding (Chen &Li, 2025) For example, in translating Chinese tourism texts, ChatGPT, with culturally tailored prompts, outperformed GT in fluency and cultural sensitivity (Ibid.).

In English to Arabic translation, ChatGPT performance was evaluated for accuracy, fluency and overall quality showing a comparable or superior ability to GT (AlKhwaja, 2024). Also, in a comparison of Chinese diplomatic texts translated into English, ChatGPT showed promising result against NMT systems when measured by both automated metrics and human evaluation (Jiang, 2024).

However, these systems do not show a universal superiority but the quality relies on language pair, domain and evaluation metrics. For example, GT outperforms LLM in the legal domain in automatic evaluation metrics, while ChatGPT rates higher by human evaluation for fluency and adequacy (Briva-Iglesias, 2024).

Ding (2024), in his comparative analysis of legal texts translations, revealed that both systems NMT and LLM present a satisfying performance although ChatGPT produced more grammatical errors requiring more post-editing.

MQM framework has been significant in these studies, enabling detailed error

analysis and identification of specific strengths and weaknesses. For example, a translation quality evaluation of Chinese-English texts identified specific error types in ChatGPT outputs (Lin, 2025). Another study using MQM for Chinese Red Culture texts evaluated ChatGPT 's translation error typology, providing insights into its limitations in cultural contexts (Li, 2025). Yan (2024) used MQM framework to evaluate the LLM translation quality and found that GPT-4 can achieve a performance comparable to junior-level human translators across different language pairs and domains, but still cannot reach expert human translators.

Multiple studies, though none specifically on Albanian and English, reveal consistent performance distinguishing NMT and LLM translation systems. NMT, exemplified with Google Translate, across studies, shows advantages in accuracy and terminology dimensions particularly for technical and scientific domains with the foundation of parallel training corpora (Alzain et al, 2024; Zhang et al, 2025). The accuracy advantages derive from NMT training on human translated parallel texts that teach systems to preserve semantic content precisely, while terminology consistency is due to exposure to specialized corpora and the use of domain glossaries. These advantages make NMT mainly suitable for formal, technical and scientific texts where terminology consistency and precision are the most important. (Ibid.)

On the other hand, LLMs, conformably, demonstrate superior fluency, nuance and natural language across various domains and language pairs. Studies over technical manuals (Zhang et al, 2025), legal document (Briv-Iglesias et al, 2024), medical instructions (Brewster et al, 2024) and idiomatic language (Mohammed, 2025) revealed that LLM favors in readability, natural phrasing and conformity to target language conventions. This fluency capability derives from LLM pre-training on large corpora, enabling language modeling that generates natural target language. The output is human-like translations although there are accuracy problems.

It is clearly evident that performance and quality depend on the domain, technical and scientific domains favor NMT, creative and conversational context favor LLM, while legal and medical domains show different results on specific quality priorities and language resource levels. Language resource availability defines system performance by strengthening or weakening it. High-resource language pairs, both systems achieve high quality with different strength profiles, while low-resource languages, both systems fail to meet acceptable standards.

3. Methodology

3.1 Research questions

This study aims to analyze and evaluate machine translation quality of Google Translate (NMT) and ChatGPT (LLM) for the English-Albanian language pair in political texts. The MQM quality assessment framework is used as the human analytical tool to avoid the automatic metrics limitations. By using MQM, the study intends to classify and analyze the error types and severity revealing the weaknesses of each translation method.

The study investigates not only the overall machine translation quality compared to human translation but also draws comparisons between GT and ChatGPT performance. The paper explores the degree to which GT and ChatGPT differ in

translation quality, the typical error occurrences in both outputs and in which one outperforms the other and in which quality dimensions.

The research questions, addressed to this study, are as follows:

1. What is the overall translation quality of Google Translate and ChatGPT when translating political texts from English to Albanian?
2. What is the difference between the translation quality of GT and ChatGPT in English-Albanian political texts?
3. What error types are produced by GT and ChatGPT in English-Albanian political-domain translations?

3.2 Corpus selection

The corpus for this study consists of carefully selected political texts representing the English-Albanian language pair. The corpus design follows best practices for translation quality evaluation research including linguistic complexities, content, domain relevance and appropriate text length for detailed analysis. Political texts were selected from the speeches of two former American presidents, *Transcript of John McCain's Concession speech 2008*, *Transcript of Barack Obama's speech Victory Speech, Election 2008* and *State of the Union 2015 by the 44th President of the U.S.A, Barack Obama, (CNN) as prepared for delivery*.

The corpus comprises of three English texts which contain 235 sentences and a total of 4541 words. Sentences are considered as text segments following the recommendations for MQM evaluation that suggest segment-level assessment for a better detail level evaluation and annotation (Kocmi et al., 2023).

Each source text was translated by a professional human translator and the two MT systems Google Translate translations were received by using the web interface at a document level and ChatGPT output was obtained by using translation prompts at a document level as well.

3.3 Methods

A mixed research methodology was employed at this research including quantitative and qualitative methods. Scalar Quality Metric (SQM) provides a quantitative approach to translation quality assessment through numerical scoring on predefined scales. This study employed the SQM with a 0-6 Likert scale to assess the overall translation quality, following practices established in professional translation evaluation research. The scale ranges from 0 (nonsense and completely inadequate translation) to 6 (perfect translation with no errors), with intermediate values of quality degrees (Alzain et al., 2024). Two annotators were trained using the SQM guidelines to evaluate the quality of GT and ChatGPT outputs in comparison to human translation, too.

The qualitative method is employed by using the Multidimensional Quality Metrics (MQM) framework providing a systematic error analysis. MQM enables fine-grained assessment across multiple quality dimensions and error types. Following the definitions of the MQM framework, four core dimensions were used in this study as top error categories including terminology, accuracy, linguistic convention (fluency) and style. Annotators were introduced to the theory of error analysis. After understanding all error types with definitions and explanations, the evaluators

identified and annotated the translation errors manually.

The above-mentioned translation quality evaluation metrics provide valuable data and a clear picture of MT translation quality. LLM evaluation metrics was suggested to be integrated to this study when this concept has been introduced recently in the research literature (Kocmi & Federmann, 2023). But Liu (2023) stated that LLMs favor translation outputs produced by them and therefore these tools were not used. Since Google Translate is involved in this study, this may cause bias issues.

4.Results

4.1 Translation quality evaluation (SQM)

One of the main objectives of this study is to identify the overall quality of MT systems. Therefore, a Scalar Quality metrics (SQM) evaluation introduced by Alzain was performed. The SQM used a 0-6 Likert scale whose ratings and scoring are as follows (Alzain et al., 2024):

-6: Perfect meaning and grammar

-4: Most meaning preserved and few grammatical mistakes

-2: Some meaning preserved

-0: Nonsense/ No meaning preserved

Two annotators, after understanding the SQM guidelines, performed the evaluation of MT outputs at a full-text level and not just segment-level evaluation. The evaluation results for both texts are shown in Table 1 below.

Table 1. Scores of annotators evaluation of 0-6 Likert scale SQM

MT system	Mean score	Standard deviation
Google translate	3.25 (scores 3/3.5)	0.35
ChatGPT	3.75 (scores 3.5 /4)	0.25

The SQM evaluation revealed differences in overall translation quality across two MT systems. ChatGPT outperforms GT with an average score 3.75 and standard deviation 0.25 and GT received a mean score of 3.25 with a standard deviation of 0.35.

4.2 Error typology

This study employs the error typology based on the Multi-dimensional Quality Metrics (MQM) framework. Errors are classified into dimensions, error types and subtypes, examples, explanations and severity. The eighth dimensions are as follows: terminology, accuracy (adequacy), linguistics conventions (fluency), style, locale conventions, audience appropriateness, design and mark up and custom. These dimensions fall into other categories. For example, terminology dimension includes inconsistent use of terminology and wrong term. Accuracy dimension explains mistranslation, over-translation, under-translation, omission and addition. Fluency means the linguistics conventions such as grammar, word form, word order, function words, punctuation and spelling. The main issues of style are language register, awkward style, unidiomatic style and inconsistent style.

This error typology was adapted to our research purpose including only 4 core dimensions such as terminology, accuracy, fluency and style. The annotators identified

the error types in the MT translations and categorized them into 24 types followed by an explanation of the error illustrated with examples and assigned severity level (minor, major, critical).

Terminology: Errors occurring when a term in the target language is not correct or equivalent of the corresponding term in the source content. These errors found in the translated texts are classified into the following categories (Ibid.):

- **Inconsistent use of terminology:** Use of multiple terms for the same concept in cases where consistency is required.
- **Wrong term:** Error referring to the use of a non-domain term at a certain context and it causes a conceptual mismatch.
- **Accuracy:** Errors arising when the target content does not accurately correspond to the propositional content of the source because of distortion, omission or addition to the message. The categories of this dimension are as follows (Lommel et al., 2024):
- **Ambiguous translation:** Target content that introduces an ambiguity that is not present in the source content or this refers to the cases when the source text is ambiguous and it can be translated in more than one way.
- **False Friend:** Incorrect use in target content of a word that is superficially similar to a source word.
- **Overly literal:** Word-for-word translation in target content instead of idiomatic translation
- **MT Hallucination:** Error when there is a completely different meaning from the source text, translated by MT.
- **Over-translation:** This refers to the issue where the translation is more specific than the source text.
- **Under-translation:** This refers to the error when the target content is less specific than the source content
- **Addition:** Error occurring in the target content that includes content not present in the source.
- **Omission:** Error where content in the source is missing in the target.
- **Untranslated:** Error occurring when a text segment that was intended for translation is omitted in the target content.
- **Linguistics conventions (Fluency):** Errors related to the well-formedness of the text under this dimension, the errors are classified into the following categories.
- **Word form:** Error in selecting the inappropriate morphological variant of a word.
- **Part of speech:** Incorrect part of speech reflective of target language norms.
- **Tense/ Mood/ Aspect:** Error where a verb form displays the wrong tense, mood or aspect
- **Agreement:** Error where two or more words do not agree with respect to case, number, person, or other grammatical features.
- **Word order.** Word order not compliant with target language norms
- **Function words.** Error in a word that serves to connect important information and it is critical for understanding because it defines the relationship between other content words such as nouns, verbs and the like
- **Punctuation.** Punctuation incorrect according to the target language conventions.
- **Spelling.** Error occurring when a word is misspelled.
- **Capitalization:** Error where one or more letters in a word are written with

nonstandard upper-case letter forms.

- **Unclear reference:** Relative pronouns or other referential mechanisms unclear in their reference.
- **Cohesion.** Cohesion errors refer to a missing or incorrect part of a text that must be connected as a whole.
- **Coherence:** text lacking a clear semantic relationship between its parts for example the different parts do not hang together or do not make sense.

Style. Errors occurring in a text that are grammatically acceptable but are inappropriate because they are unidiomatic or exhibit inappropriate language register. These errors exhibit inappropriate or awkward language style or they deviate from target language register.

Table 2 displays the number and type of errors in MT output using the MQM taxonomy

Dimensions	Types of error	Google Translate	ChatGPT
Terminology	Inconsistent use of terminology	36	34
	Wrong term	13	5
Total		49	39
Accuracy	Ambiguous target content	4	3
	False Friend	5	3
	Overly literal	59	43
	MT Hallucination	4	2
	Over-translation	3	7
	Under-translation	19	10
	Addition	7	1
	Ommission	3	3
	Untranslated	14	16
	Total		118
Linguistic convention (Fluency)	Word form	26	25
	Part of Speech	4	3
	Tense/ Mood/ Aspect	6	6
	Agreement	3	7
	Word order	17	15
	Function words	14	13
	Punctuation	6	5
	Spelling	3	2
	Capitalization	3	6
	Unclear reference	4	3

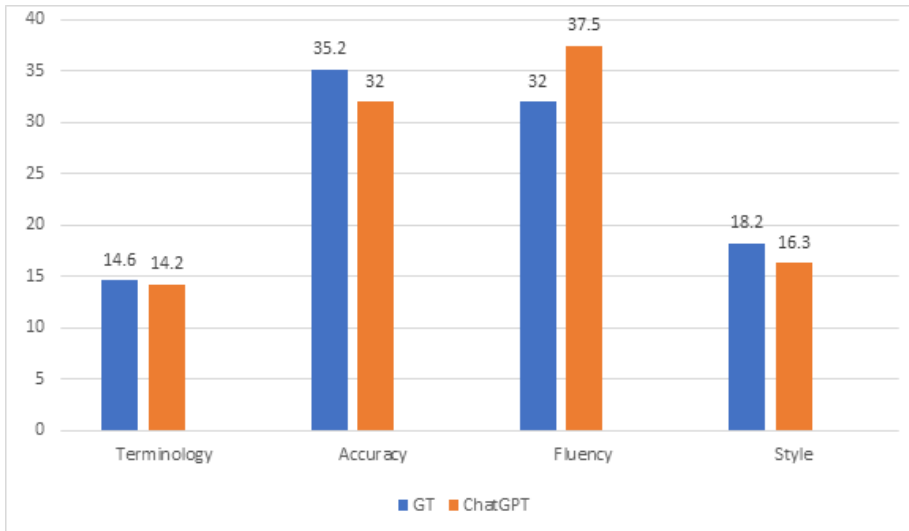
	Cohesion	12	11
	Coherence	9	7
Total of Fluency errors		107	103
Style (unidiomatic, inconsistent and awkward style, language register (variants/ slang))		61	45
Total of Style Errors		61	45
TOTAL ERRORS		335	275

4.3 Error Frequency and distribution

The error frequency was calculated by dividing the number of total errors by the number of sentences. The three texts under investigation contain 235 sentences. Therefore, the error frequency is 1.42 per sentence in the Google Translate outputs and 1.17 in the ChatGPT translation output.

The error distribution based on the MQM typology from Google Translate outputs is as follows: 49 terminology errors (14.6 %), 118 Accuracy errors (35.2%), 107 Fluency errors (32%) and 61 style errors (18.2%). In ChatGPT translation, the error distribution is as follows: 39 terminology errors (14.2%), 88 Accuracy errors (32%), 103 Fluency errors (37.5%) and 45 style errors (16.3%).

Figure 1. Error distribution in GT & ChatGPT



4.4 Results discussion

The study results showed that many errors occurred in Google Translate and ChatGPT translations.

These machine translations performed almost the same error typology and the number of annotated errors does not vary much between them. ChatGPT translation showed fewer errors than Google Translate according to the annotators' evaluation of

translations. ChatGPT performed slightly better than Google translate in translating English political texts to Albanian but this does not mean that ChatGPT translations are of higher quality. The great number of errors in both translations showed that MT struggles when translating political texts. The result of translation errors in ChatGPT outputs showed 275 errors compared to 335 errors of GT, ChatGPT accounting for 45% of the total error number of both systems and GT 55%.

The result showed that a lot of terminology errors occurred in both MT meaning that both systems fail to produce consistent terminology.

Accuracy errors showed the highest percentage in GT translation with 35.2% compared to ChatGPT outputs with 32%. This means that both systems struggle to produce an accurate target content and mainly because of overly literal translation, ambiguity, addition, under-translation, over-translation, etc.

Fluency errors showed the highest percentage in the ChatGPT translation outputs with 37.5%. GT fluency errors showed a high percentage of 35.2 % as well. This indicates that both systems fail to understand the linguistics conventions between English and Albanian. Most frequent error types were word form, word order and function word error.

The results showed a lot of style errors and mostly unidiomatic style and inappropriate language register. This means that both systems need more training in regard to idiom translation.

5. Conclusion

To conclude, it can be stated that ChatGPT performed slightly better than Google Translate when translating English political texts into Albanian. However, both systems still fall short in this aspect and still need a lot of investigation and fine-grained analyses of the nature of errors in different types of texts. The need of training MT system, both Google translate and ChatGPT, is also crucial. More annotated corpora need to be built as well.

The question of whether MT has achieved human-level performance cannot be answered with a yes or no. The reviewed studies demonstrate that in specific circumstances including high-resource language pairs, clearly described domains and general texts, MT system can produce translation quality comparable to humans for certain quality dimensions. However, across various translation contexts, human expertise continues to have essential advantages including semantic adequacy, cultural appropriateness, creative adaptation and specialized content handling.

The relationship between machine translation and human translation cannot be defined as competitive but as complementing and interdependent. Machine translation is excellent to process rapidly large volumes, maintaining consistency across repetitive content and providing draft translations that can speed up human workflows. Human translators bring to the table irreplaceable capabilities including cultural knowledge, context comprehension, creativity and the ability to manage ambiguities that algorithms fail. The future of translation lies not in machines replacing humans or humans rejecting machines, but in collaboration leveraging the distinctive strengths of both.

This study and other research on this topic provide invaluable insights into the strengths and weaknesses of MT systems, particularly concerning language-specific cases such as Albanian and English. The study is beneficial for translators, researchers and developers of machine translations. Therefore, more detailed studies on various domains are recommended.

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Future-proof VET: Integrating green, digital, and cyber training

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Abstract

Climate change anxieties, the proliferation of cybercrime, and the rapid pace of technological advancement are collectively reshaping the global employment landscape. To ensure their continued relevance and utility, vocational education and training (VET) systems necessitate modernization. This essay underscores the importance of equipping students for present and future employment opportunities by incorporating green, digital, and cyber training into VET curricula. Given the increasing prevalence of environmental commitments among businesses, the acquisition of "green skills," which encompass knowledge of sustainability and renewable resources, is essential. Furthermore, robust digital competencies are critical in contemporary society, given the pervasive influence of the digital revolution across all sectors. While a fundamental understanding of computers is not always mandatory, a more advanced technical proficiency can be advantageous. Cyber expertise is essential for safeguarding data, fortifying digital systems, and combating evolving security challenges. This piece explores effective approaches to partnering with businesses, training educators, and adjusting curricula to broaden access to these skills within vocational education and training programs. Key challenges include limited funding, resistance to change, and the need to guarantee fair access to education. The analysis shows that people with vocational and technical training can benefit from integrated training programs. For organizations in a state of constant flux, this holds particular significance. Examining previous successes and failures provides crucial context. Vocational and technical education (VET) programs that include cyber, digital, and environmental elements are essential for achieving sustainable development, meeting societal needs, and promoting economic growth.

Keywords: Vocational Education and Training (VET), Green skills, Digital skills, Cybersecurity, Innovation in education, Digital transformation, Technology integration

Introduction

The energy sector is a very important part of Albania's overall economic growth. In the national energy sector, it's important to remember how energy generation, transmission, consumption, and distribution all depend on and link to each other (ERE, 2019). The Council of Ministers (2018) says that the Albanian economy grows because of several causes, one of these things to think about is making sure that pricing stays the same for buyers. Keeping a steady source of electricity is another thing that needs to be thought about.

Right present, our main goal is to focus on Albania's energy sector. Another thing that intrigues us is the urgent need for people who care about the environment. Sectoral assessments, which look at new technologies and the country's economic potential,

say that it stands out (European Commission, 2019; Regional Cooperation Council, 2020). All pertinent groups must be considered in these evaluations. The decision to include a particular area will depend on the specific details of the situation. Scientific studies highlight the significant challenges facing the energy sector, which are largely caused by technological advancements.

As a result, these challenges hinder the recruitment of skilled professionals, which then reduces the need for their services. The findings of the latest study confirm these conclusions, which were based on the data from the first study. Asikainen and his team (2022) found that educational programs and institutions must adapt to these changes. In recent years, Albania's vocational education and training (VET) systems have required considerable reform, reflecting global trends (OECD, 2025; Vieira et al., 2021).

These changes are indicative of a heightened awareness of cybersecurity risks, a rapid digital transformation, and a focus on sustainable development. Kuczera (2025) posits that Albania's developmental objectives, alongside the imperative to align its workforce with European standards, intensify these challenges. Consequently, to equip graduates for a rapidly evolving technological and environmental landscape, it is crucial that Albanian VET programs integrate training in green, digital, and cyber skills (ILO, 2022).

Consequently, Albania's substantial investments in renewable energy, sustainable agriculture, and environmentally conscious construction have engendered a notable demand for professionals possessing environmental expertise (Centre for Sustainable Development, 2025). To augment student enrollment and enhance environmental sustainability, digital literacy, and cyber defense skills, vocational and technical schools in two Albanian cities have, in recent years, integrated curricula encompassing subjects like cybersecurity and artificial intelligence. However, this development has been limited to Shkodra and Tirana (Tiko, 2018). These programs not only equip students with valuable, marketable skills but also support Albania's efforts to promote a more financially stable economic framework. Furthermore, they contribute to the development of economically advantageous proficiencies among the student population.

The Albanian labor market is, therefore, evolving, reflecting the increasing impact of digitalization. Consequently, vocational education and training centers in urban areas, including Tirana, have expanded their curricula to include subjects such as data management, coding, and digital literacy.

This change reflects the rapid growth of the information and communication technology (ICT) sector (Swiss Agency for Development and Cooperation, 2023).

Moreover, programs like "Skills for Jobs" have enabled students to gain hands-on experience with sophisticated technologies. This program, backed by international partners, has improved access to education. Students now have the chance to participate in blended learning and use advanced computer labs. This initiative is crucial for Albania to realize its digital economy ambitions and boost employment opportunities for its youth. The universities are the primary implementers of the "University-VET Alliance for Cybersecurity and Digital Green Skills Advancement" project. Possible activities within this project include joint curriculum workshops,

digital bootcamps for VET students led by universities, collaborative online learning platforms, and an annual digital skills symposium. Therefore, graduates will have the necessary skills to get stable, long-term jobs.

This approach helps graduates find jobs. This essay will examine different methods to achieve this goal. This initiative is crucial for Albania to realize its digital economy ambitions and boost employment opportunities for its youth. The universities are the primary implementers of the “University-VET Alliance for Cybersecurity and Digital Green Skills Advancement” project. Possible activities within this project include joint curriculum workshops, digital bootcamps for VET students led by universities, collaborative online learning platforms, and an annual digital skills symposium. So, when they graduate, students will have the skills they need to get long-term, reliable jobs. This approach helps graduates find jobs.

This essay will examine different methods to achieve this goal. The change of cybersecurity from a specialized issue into an integrated component of vocational and technical education (VET) may be attributed to the fact that enterprises and government organizations in Albania are increasingly confronted with escalating cyber threats (OECD, 2021; Cedefop, 2020). This has resulted in the transformation of cybersecurity from a specialized worry. Because of this, a number of technical colleges have started teaching classes on subjects like ethical hacking, data protection, and cyber hygiene. This is a direct consequence of the situation.

As a consequence of training that is reinforced through collaborations with government agencies and specialists working in the field, students will be suitably prepared to preserve digital assets in an environment that is internationally interconnected. This will be the case because of the impact that this training will have.

Albania is making tremendous success in its attempts to better prepare its workers for the future by incorporating digital, cyber, and environmentally sensitive components into vocational training and education (OECD, 2025; Vieira et al., 2021). This is a step in the right direction. These advances are not only helping to close the skills gap, but they are also equipping young Albanians with the resources they need to aid in the construction of a better and more secure future for their nation. This is a significant contribution. An increasing number of people are adopting these integrated approaches, which is a positive indicator for the economy of Albania, which is undergoing substantial transformation in terms of innovation, resilience, and growth, and this is a positive sign for the economy of Albania.

Green, digital, and cyberreality skills in Albanian Vocational Education and Training

1. Green Skills: Capabilities relevant to the protection of the environment

Green skills encompass the attitudes, methodologies, and expertise essential for establishing and upholding an environmentally conscious community (ILO, 2022; OECD, 2021).

Considering this, the following points are pertinent to Albanian vocational education and training:

- Albanian vocational and technical institutions are increasingly integrating curricula that address sustainable agriculture, waste management, renewable

energy, and green construction (Centre for Sustainable Development, 2025).

- Students will engage in practical environmental studies through projects that promote recycling, energy efficiency, and other ecologically sound practices (Kuczera, 2025).
- Furthermore, collaborative efforts with local businesses and international organizations facilitate the more effective implementation of innovative, environmentally sustainable policies and practices.

2. Digital Skills: Abilities as they pertain to the sphere of contemporary technology.

Having digital skills is not only vital for employability in today's labor market, but it is also essential for learning that continues throughout one's entire life: Having digital skills is essential for employability.

The vocational education and training programs that are now being offered in Albania have recently been upgraded to incorporate teaching on digital literacy, the utilizations of office applications, and the introduction to programming. It is also important to note that these programs have been updated. The goal of these programs is to educate participants in a variety of abilities, ranging from the fundamentals of information technology to more advanced ideas (Swiss Agency for Development and Cooperation, 2023).

Platforms for online education online, the Particularly in the wake of the COVID-19 epidemic, there has been a tremendous increase in the utilization of digital platforms for the sake of learning, evaluation, and communication (Tiko, 2018).

3. Cyber ability Skills: Capabilities acquired while conducting business from within the realm of cyberspace.

When we talk about cyber ability, we are referring to the capability of understanding and coping with digital risks. This requires taking into consideration the significance of cybersecurity, which allows us to understand and deal with digital threats.

Fundamentals of Cybersecurity: An Introduction to the Subject Classroom instruction is provided to students who are enrolled in vocational and technical education programs. This instruction focusses on how to use the internet in a secure manner, how to protect their data, and how to conduct themselves in an ethical manner when using the internet (Cedefop, 2020). The acquisition of specialized training in a certain occupational field: There are a variety of different sorts of specialized instruction that can be found in some of the programs that provide vocational education and training. Some examples of these types of instruction include the administration of networks, the fundamentals of cybersecurity, and the safe utilization of digital technology (OECD, 2021).

The utilization of workshops and simulations are two methods that can be utilized to teach students how to respond to cyber threats through the utilization of practical activities and simulations. In order to teach pupils how to respond appropriately to cyber dangers, either of these two ways can be utilized.

There is progress being achieved in spite of the challenges that are being faced. This particular sector of the vocational education and training (VET)

sector in Albania continues to confront issues in a variety of areas, including a shortage of skilled trainers, inadequate facilities, and restricted government funding. These challenges are affecting the sector in a very significant way. A constant process of modernization is being carried out within the vocational education and training (VET) system in Albania. This is being done in order to meet the demands of the labor market in the areas of sustainability, digitalization, and cybersecurity. It is for the purpose of satisfying the requirements of the employment market that this action is being taken. This objective is being worked towards by a number of different parties, including the European Union (EU), contributors from all around the world, and reforms that are being implemented at the national level

4. Methodology

4.1 Research Design

The strategy that is being taken for this research project is known as mixed methods, which indicates that both qualitative and quantitative research approaches are being utilized. The purpose of this study is to conduct an in-depth examination of the current situation of vocational education and training (VET) in Albania, as well as the challenges that it faces and the requirements that it will have in the future. The focus will be on how vocational education and training (VET) programs can incorporate environmentally friendly technologies, digital skills, and cybersecurity. It is possible to apply both qualitative and quantitative research methodologies simultaneously when doing mixed-approaches research, which is the most beneficial aspect of this way of conducting research. The use of qualitative data gives us the ability to appreciate the experiences and perspectives that lie behind the outcomes of statistical analysis. Data that is quantitative, on the other hand, provides us with information that can be quantified, such as the frequency with which certain events occur and the ways in which various groups of people develop over the course of time. The results are more trustworthy and comprehensive because of the triangulation that was performed. This indicates that the recommendations are founded on an analysis of the facts and are tailored to the circumstances that exist in Albania (Billett, 2020; Kuczera, 2025; ILO, 2022).

4.2 Sample and Participants

Stakeholders can be broken down into three primary categories, which together constitute the population under study:

VET Students (between the ages of 16 and 19), in the field of higher education, VET teachers/trainers, and companies that are looking to fill roles that require individuals that are digitally aware, socially conscious, or environmentally conscious.

The method of stratified random sampling was utilized by us in order to guarantee that all regions and types of vocational education and training institutions in Albania were adequately represented. 250 pupils, 45 teachers/trainers, and 45 business owners made up the final sample (Kuczera, 2025).

4.3 Data Collection Instruments

Structured Questionnaires:

To begin, we made sure to create unique questionnaires for every type of stakeholder. Concerning knowledge, experience, perceived significance, and obstacles, they used both open-ended and closed-ended questions (such as ranking, multiple-choice, and Likert scales) to collect quantitative and qualitative data. In order to collect quantifiable data, they also made use of closed-ended questions (Billett, 2020)..

Semi-Structured Interviews:

A limited number of individuals from each group participated in semi-structured in-depth interviews to delve more into the main themes, provide a more detailed explanation of the survey results, and gather suggestions for improving things (Billett, 2020).

4.4 Data Collection Procedures

While making the decision to send out surveys in both digital and physical formats, we took into account the preferences of the participants as well as their ability to access the surveys. We were sure to get the interviewee's permission before recording any of our interviews, whether they were conducted in person or over the phone.

4.5 Data Analysis

Quantitative Data:

Survey responses were analyzed with descriptive and inferential statistics (frequencies, means, percentages, and group comparisons) using statistical software such as SPSS and Microsoft Excel (Kuczera, 2025).

Qualitative Data:

Open-ended survey responses and interview transcripts were subjected to thematic analysis. This process involved coding the data, identifying emerging patterns, and synthesizing key themes and recommendations (Billett, 2020).

4.6 Ethical Considerations

Every individual who participated in the survey did so of their own free will, and we made certain that every individual who answered the poll was aware of what they were contributing to the study. There were stringent regulations about privacy and anonymity, and everyone adhered to them throughout the entire process. The research was conducted in accordance with all of the ethical guidelines that were established by the relevant educational and research organisations, as stated by Vieira et al. (2021).

5. Comparative Analysis of Questionnaire Findings

This section presents a comparative analysis of key findings derived from the questionnaire, highlighting differences and commonalities among VET students, educators, and employers with respect to green, digital, and cyber training in Albania.

5.1 Awareness and Understanding

Stakeholder Green Skills Awareness Digital Skills Awareness Cybersecurity Awareness

VET Students	Moderate	High	Low
Teachers/Trainers	High	Moderate	Low
Employers	Moderate	High	Moderate

Observation:

Digital skills are widely recognized, whereas cybersecurity awareness is notably lower—especially among students and teachers. Teachers demonstrate the highest awareness of green skills (Swiss Agency for Development and Cooperation, 2023).

5.2 Current Curriculum Integration

Stakeholder	Green Content Presence	Digital Content Presence	Cyber Content Presence
VET Students	Low	Moderate	Very Low
Teachers	Moderate	Moderate	Low
Employers	Low	Moderate	Low

Observation:

The VET curriculum is perceived as moderately incorporating digital skills, but integration of green and cyber content remains insufficient (ILO, 2022; Tiko, 2018).

5.3 Perceived Importance for Future Employment

Stakeholder	Green Skills Importance	Digital Skills Importance	Cyber Skills Importance
VET Students	Moderate	High	Moderate
Teachers	High	High	High
Employers	High	Very High	High

Observation:

There is consensus regarding the critical importance of digital skills for future employability, with growing recognition of green and cyber skills (OECD, 2025).

5.4 Barriers to Integration

Stakeholder	Main Barriers Identified
VET Students	Lack of resources, outdated materials
Teachers	Need for training, limited curriculum
Employers	Skills gap, lack of qualified graduates

Observation:

Key barriers include limited resources, outdated teaching materials, and insufficient training for educators (Vieira et al., 2021).

5.5 Willingness to Engage in Further Training

Stakeholder	Willingness: Green	Willingness: Digital	Willingness: Cyber
VET Students	High	High	Moderate
Teachers	Moderate	High	Moderate
Employers	High	Very High	High

Observation:

All groups show a positive disposition toward further training, especially in digital skills (Swiss Agency for Development and Cooperation, 2023).

Conclusion

Obstacles challenging the energy sector in terms of acquiring green competencies

It is evident from the preceding analysis that the anticipated expansion of renewable energy subsectors will generate new employment opportunities and demand for appropriate skills, but these skills are highly specialised to the relevant subsectors. Conversely, the integration of digital technologies across the energy sector will necessitate a wide array of profiles, encompassing both technical and business expertise, with cross-functional proficiencies in the digital domain. In the coming years, network administration, ICT, cyber security, and security testing expertise will be in greater demand. Future technicians will require, apart from electrical and mechanical expertise, proficiencies such as those pertaining to the Internet of Things, data science, artificial intelligence, and more (Centre for Sustainable Development, 2025; OECD, 2025; European Centre for the Development of Vocational Training, 2020).

Based on the findings derived from quantitative questionnaires and interviews with key stakeholders in the energy sector, the research has identified deficiencies in the sector's green and digital competencies, as well as obstacles to the sector's assimilation of these competencies. Due to the novelty of the energy sector's accelerated development and the introduction of technologies requiring digital and environmentally conscious expertise in our nation, numerous obstacles must be surmounted (Kuczera, 2025; ILO, 2022).

By implementing reskilling initiatives and green and digital skills introduction strategies, mid-level technicians and specialists will be capable of remaining current with the utilisation of cutting-edge technologies within the energy sector. Mid-level technicians will be required to have the capability to execute interventions or maintenance tasks exclusively through applications installed on tablets or smartphones in the future years. The gradual reduction of manual labour in numerous work processes is due to the transition to a digital approach, which includes remote interventions. As a consequence of the expanding implementation of automation across diverse work processes, it is anticipated that maintenance and operational positions will require an ever-growing set of digital competencies in order to adapt more effectively to the sector's dynamic progress within our nation (Centre for Sustainable Development, 2025).

The energy sector faces several challenges pertaining to these skills. Firstly, there is a scarcity of adequately qualified personnel possessing these abilities. Another financial risk comes from investing in employee training, especially if people leave after getting their qualifications (OECD, 2025).

Vocational school instructors' limited understanding of digital technologies

Inadequate teacher training concerning green and digital competencies deficiency of middle technicians in digital technology knowledge. All of these knowledge and green and digital skills deficits and challenges for a sector can be surmounted through the incorporation of ongoing teacher training and the revision of vocational education curricula to include energy-related topics.

Specific green competencies necessary for technicians

As a result of quantitative analysis and interviews with the sector's important actors, we have put together the following list of specialised competencies required of middle technicians in the energy sector:

- Technicians are required to possess adequate knowledge and abilities to operate, read, and operate the devices.
- Intermediate technicians working in the energy sector are required to acquire knowledge and abilities pertaining to emerging technologies, with a particular focus on technical and installation skills for renewable energy systems and monitoring energy production and network losses.
- Proficiency in the emerging technologies utilised within the industry and the capability to procure said technologies are prerequisites. To achieve this, vocational schools need to update their curricula and provide the necessary laboratory facilities.
- Proficiency in the fundamental principles governing the operation of renewable energy sources, comprehension of electrical and physical connections, and the ability to interpret installation and control schematics.
- Familiarity with both the control manual and the electronic systems of vehicles powered by fossil fuels.
- Possess a comprehensive understanding of the processes involved in generating electricity from renewable sources, including water, wind, and sunlight, as well as each component and piece of equipment used in this industry.
- Proficiency in the surveillance and evaluation of solar energy system performance is crucial for ensuring optimal efficiency and adherence to quality and safety standards.

Knowledge in green and digital technologies among technicians to foster environmentally sustainable sector growth

As a key sector in the country's development for the next five, ten, or twenty years, the energy sector is anticipated to undergo rapid and dynamic change. The findings of this study suggest that technicians operating in the energy sector should possess the following green and digital competencies, which contribute to environmentally sustainable development and address the climate challenge:

- Proficiency in the assembly, installation, and digitization of equipments and processes pertaining to renewable energy production.
- Capability for energy monitoring and management IoT
- The following are communication technologies:
- Familiarity with digital platforms
- Familiarity with data analysis
- Expertise and proficiency in the domain of electricity, mechanical engineering, and European best practices.

A thorough understanding of the software and communication protocols used with static transducers is essential

- Technical expertise in installation and energy production monitoring, network loss

assessment, and related tasks.

- Capability to utilize electricity proficiently

Proposals for Enhancing Digital and Green Knowledge Needs

Based on the interview conducted with the ministry overseeing the energy sector, it was ascertained that there is a heightened concern regarding the proficiency of secondary technicians in the sector and that there is strong collaboration with educational institutions offering specialised curricula for professional training of energy sector professionals. This collaboration aims to equip the sector with personnel possessing green and digital competencies, thereby facilitating the transformation of the energy sector.

Albania, guided by its National Strategy for Development and European Integration 2030, aims to lead in the digital economy, including the energy sector. To get there, the professional competences policy needs to focus on meeting digital skill demands at every level.

This includes:

- High-Level Digital Skills: Cultivating advanced digital abilities to ensure a consistent flow of skilled people and knowledge for the economy.
- Digital Skills for the Workforce: Supporting the right level of digital proficiency for all workers.
- Digital Skills for Society: Spreading digital skills throughout the population, so everyone can join the digital age and benefit from it.

The study recommends several ways to improve human capital in the energy sector to support the growth of renewable energy and the sector's digital transformation.

These include:

- Professional development and training programs
- Internship opportunities
- Ongoing teacher training and professional development
- International collaboration and knowledge sharing among secondary vocational institutions in countries with strong vocational education systems.

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Artificial Intelligence as a Driver of Innovation and Sustainability in Tourism Ecosystems: A Quantitative Assessment of the Literature

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Abstract

The tourism ecosystem is in change, explicitly driven by artificial intelligence (AI), a technology with many potential applications. In this context, AI can explicitly facilitate the development of new services and help achieve sustainability goals. Based on the conceptual framework of innovative tourism ecosystems, this paper, using bibliometric analysis, examines how AI can contribute to sustainable tourism development by enhancing operational efficiency, mitigating environmental impact, and fostering inclusive growth. In this respect, recent studies have shown that the use of AI is associated with improved carbon efficiency and increased productivity in the tourism sector. These relationships can be considered as long as the right institutional quality and digital infrastructure are in place. At the micro level, AI-driven applications, such as food waste monitoring, energy optimization, and innovative mobility solutions, can directly contribute to reducing emissions and promoting the sustainable use of resources. At the same time, other studies emphasize the rapid growth of AI applications in tourism and categorize technologies ranging from recommender systems to generative AI. These works also examine how these technologies align with the United Nations Sustainable Development Goals. At the same time, significant risks remain, including rebound effects, redistribution through overtourism, algorithmic biases, and labor displacement. International organizations emphasize that realizing the sustainability potential of AI requires sound governance, ethical safeguards and responsible data architectures. This paper examines the assertion that, although AI has the potential to transform innovation and sustainability in tourism, urgent research and policy priorities include the rigorous determination of causality, a system-level assessment of rebound effects, and the development of governance frameworks''

Keywords: tourism ecosystem, AI, sustainable, innovative, bibliometrics analysis, community.

1. Introduction

Artificial Intelligence (AI) has emerged as one of the most transformative technological paradigms of the twenty-first century. Within innovation economics, AI is increasingly conceptualized as a General Purpose Technology (GPT), comparable to electricity or the internet in its systemic and cross-sectoral impact (Bresnahan & Trajtenberg, 1995; Cockburn, Henderson, & Stern, 2018). GPTs are characterized by pervasiveness, continuous technical improvement, and strong complementarities with downstream innovations. AI satisfies these conditions by improving through data accumulation and algorithmic refinement, while simultaneously enabling structural change across industries.

In tourism, AI operates as a systemic enabler of digital transformation. The tourism sector is inherently information-intensive and coordination-dependent, relying on interactions among service providers, intermediaries, regulators, and travelers. Digital platforms have restructured these interactions, and AI further enhances this

transformation through predictive analytics, personalization algorithms, robotic automation, and intelligent decision-support systems (Gretzel, Sigala, Xiang, & Koo, 2015; Buhalis & Leung, 2018). AI-driven revenue management systems optimize pricing strategies, recommender systems tailor travel experiences, and chatbots facilitate real-time communication. These applications illustrate AI's capacity to function not merely as an operational tool but as infrastructural intelligence embedded within tourism ecosystems.

At the same time, tourism faces significant sustainability challenges. The sector contributes substantially to greenhouse gas emissions, resource depletion, and environmental degradation (Lenzen et al., 2018; Gössling, Scott, & Hall, 2015). Climate change, overtourism, and infrastructure saturation have intensified calls for systemic reform aligned with the United Nations Sustainable Development Goals (United Nations, 2015). In particular, SDGs 8 (Decent Work and Economic Growth), 9 (Industry, Innovation and Infrastructure), 11 (Sustainable Cities and Communities), 12 (Responsible Consumption and Production), and 13 (Climate Action) explicitly connect tourism development with sustainability objectives.

AI is often presented as a technological solution capable of reconciling growth with sustainability. Machine learning systems can improve energy management in hotels, optimize transportation logistics, reduce food waste, and enhance visitor flow management (Mariani & Baggio, 2022; Ivanov & Webster, 2020). Data-driven governance tools can support evidence-based policymaking and crisis response, as demonstrated during the COVID-19 pandemic (Sigala, 2020). However, technological optimism must be balanced by critical evaluation. Efficiency improvements may generate rebound effects that offset environmental gains (Hertwich, 2005). Algorithmic bias may reinforce inequalities (O'Neil, 2016), and automation may disrupt labor markets in hospitality and service occupations (Frey & Osborne, 2017; Ivanov, Webster, & Garenko, 2018).

These suggest that AI should not be regarded as an inherently sustainable technology. Rather, it operates as a conditional driver of sustainability outcomes, embedded within institutional, regulatory, and socio-technical systems (Acemoglu, 2021; OECD, 2019). Without adequate governance frameworks, AI-enabled hyper-personalization and dynamic marketing strategies may intensify overtourism (Gössling et al., 2018). Conversely, when aligned with transparent regulation and sustainability-oriented strategies, AI can contribute to carbon monitoring, resource optimization, and inclusive innovation. Despite growing academic attention, the literature addressing AI, tourism, and sustainability remains fragmented. Research streams often focus on smart tourism technologies (Xiang, Du, Ma, & Fan, 2017), digital platforms, or sustainability transitions independently. Few studies systematically integrate these perspectives or map the intellectual structure of the AI–tourism–sustainability nexus using quantitative bibliometric methods (Donthu et al., 2021). Moreover, governance and risk narratives are frequently underdeveloped, leaving a gap in understanding how institutional quality moderates AI's sustainability impact. This study seeks to address these gaps by examining the intellectual foundations, thematic evolution, and governance dimensions of AI–tourism–sustainability research. By framing AI as a GPT embedded within tourism ecosystems and sustainability theory, the paper

advances a systemic understanding of technological transformation. The analysis is guided by the following research questions:

RQ1. What is the intellectual structure of AI–tourism–sustainability research?

RQ2. How are AI technologies conceptually linked to environmental, economic, and social sustainability dimensions?

RQ3. What governance and risk narratives emerge?

RQ4. What research gaps persist?

By addressing these questions, this paper contributes theoretically by integrating GPT economics with sustainability frameworks, methodologically by applying bibliometric mapping techniques, and practically by identifying governance conditions necessary for AI-enabled sustainable tourism development.

2. Theoretical Framework

Tourism Ecosystems and Socio-Technical Systems Theory

Tourism is increasingly conceptualized as a complex adaptive ecosystem composed of interdependent actors who co-create value through dynamic interactions. Drawing from service-dominant logic, value emerges through resource integration and relational exchange rather than unilateral production (Vargo & Lusch, 2008). Tourism ecosystems involve hotels, airlines, digital platforms, regulators, communities, and tourists interacting across multiple levels. Digital platforms reduce transaction costs and coordinate interactions in real time (Parker, Van Alstyne, & Choudary, 2016). Socio-technical systems theory emphasizes that performance depends on alignment between technological and social subsystems (Geels, 2004). Artificial Intelligence (AI) reshapes both domains by restructuring workflows, enabling predictive analytics, and altering governance mechanisms. Smart tourism ecosystems are characterized by digitally interconnected environments where data flows become central coordination mechanisms (Gretzel et al., 2015). AI acts as orchestration infrastructure within these systems (Buhalis & Leung, 2018).

Artificial Intelligence as a General-Purpose Technology (GPT)

General Purpose Technologies (GPTs) are defined by pervasiveness, continuous improvement, and complementarities (Bresnahan & Trajtenberg, 1995). AI meets these criteria by improving through data accumulation and algorithmic refinement (Cockburn, Henderson, & Stern, 2018). AI reduces prediction costs and reshapes decision-making processes across sectors (Agrawal, Gans, & Goldfarb, 2019). However, GPT diffusion involves adjustment costs and institutional alignment (Helpman, 1998). Automation technologies may displace labor while increasing productivity (Acemoglu & Restrepo, 2018; Brynjolfsson, Rock, & Syverson, 2021).

Sustainability Theory and the Triple Bottom Line (TBL)

The Triple Bottom Line framework conceptualizes sustainability across environmental, economic, and social dimensions (Elkington, 1997). Tourism contributes significantly to global emissions (Lenzen et al., 2018). Technological efficiency must be complemented by behavioral and governance change (Gössling, Scott, & Hall, 2015). Rebound

effects may offset efficiency gains (Hertwich, 2005). Economic sustainability relates to resilience and competitiveness (Porter & Kramer, 2011). Automation and robotics may alter labor markets in hospitality (Frey & Osborne, 2017; Ivanov, Webster, & Garenko, 2018). Social sustainability requires transparency and accountability in algorithmic systems (O’Neil, 2016). Systemic change is necessary for sustainable tourism governance (Bramwell & Lane, 2013).

Institutional quality shapes technological outcomes (North, 1990). Trustworthy AI requires transparency, accountability, and human oversight (OECD, 2019). Therefore, AI should be conceptualized as a conditional sustainability enabler embedded within socio-technical and institutional ecosystems.

3. Methodology

Research design

This study adopts a bibliometric research design to systematically map and evaluate the intellectual structure, thematic evolution, and collaborative patterns of the AI–tourism–sustainability research field. Bibliometric analysis provides quantitative tools to assess scientific production, citation impact, collaboration networks, and conceptual structures within a given domain (Donthu et al., 2021). Unlike traditional narrative reviews, bibliometrics enables reproducibility, transparency, and large-scale analysis of scholarly communication patterns (Zupic & Čater, 2015). The methodological approach combines performance analysis (descriptive bibliometrics) and science mapping techniques

(co-citation analysis, keyword co-occurrence analysis, and collaboration network analysis). This dual strategy ensures both quantitative evaluation and structural interpretation of the research field (Cobo et al., 2011).

Data collection and corpus description

The bibliographic dataset was extracted from the Scopus database, selected for its extensive coverage of peer-reviewed journals, conference proceedings, and book chapters across multidisciplinary domains. The search query integrated Artificial Intelligence, tourism, and sustainability-related terms in titles, abstracts, and keywords. The final dataset consists of 2,834 documents spanning the period 1993–2026, distributed across 623 sources.

The dataset exhibits an annual growth rate of 9.5%, indicating sustained expansion and increasing scholarly interest. The average document age of 3.44 years confirms that the field is highly contemporary and rapidly evolving. The average citation rate per document (15.5 citations) suggests moderate impact and developmental maturity. A total of 6,712 authors contributed to the dataset, with an average of 3.22 co-authors per document.

Single-authored documents (541) represent a meaningful proportion, though collaboration predominates. International co-authorship accounts for 22.19% of publications, indicating moderate but growing global integration. The document type distribution reveals a strong emphasis on journal articles (1,100) and conference papers (995), reflecting both theoretical consolidation and active dissemination of emerging

research. The presence of 400 book chapters and 71 books indicates deeper conceptual contributions. Minor document categories (editorials, notes, errata) constitute a small proportion of the corpus.

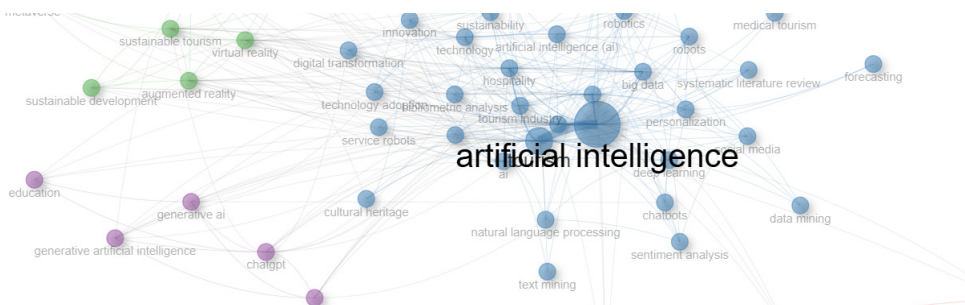
Data cleaning and validation

Prior to analysis, the dataset underwent preprocessing to remove duplicates, harmonize author names, standardize keywords, and unify institutional affiliations. Data cleaning is essential to ensure accurate network construction and citation metrics (Aria & Cuccurullo, 2017). An anomaly was observed in the “References” variable, which displayed zero values. This is likely attributable to database export configuration or metadata extraction issues. Since reference lists are fundamental for co-citation analysis, the raw data were verified to ensure completeness before structural mapping. Performance analysis evaluates productivity and impact through descriptive indicators such as publication trends, source distribution, author productivity, citation metrics, and collaboration levels (Donthu et al., 2021). The annual growth rate of 9.5% suggests accelerated knowledge accumulation. The relatively young average document age (3.44 years) indicates a field driven by recent technological developments. The analysis was conducted using Bibliometrix and its web interface Biblioshiny (Aria & Cuccurullo, 2017), implemented in R. Network visualizations were generated using VOSviewer (van Eck & Waltman, 2010), which applies distance-based mapping techniques to construct co-citation and keyword networks.

Keyword Co-Occurrence Network Results

The keyword co-occurrence matrix W was constructed using $W = X \otimes X$ where X is the document-keyword incidence matrix. Degree centrality of keyword k is $C_D(k) = \sum w_kl$. Cluster modularity (Q) was calculated using $Q = (1 / 2m) \sum [A_{ij} - (k_i k_j / 2m)] \delta(c_i, c_j)$ where A_{ij} = adjacency matrix, k_i = degree of node i , m = total number of edges, δ = cluster membership indicator.

Figure 1 - Co-occurrence Network



Source: Author

This structure confirms technological maturation from expert systems toward predictive and generative intelligence. The walktrap community detection algorithm has identified several communities, represented by different colors. This indicates different thematic clusters within the research on AI. Let’s look at some of these clusters:

- Blue Cluster (Core AI Applications): This appears to be the largest and most

densely connected cluster, containing terms like “automation,” “robotics,” “big data,” “deep learning,” “chatbots,” “natural language processing,” “sentiment analysis,” “data mining,” and “personalization.” This suggests a strong emphasis on the application of AI in areas leveraging data and machine learning for automation and predictive capabilities. The presence of “systematic literature review” and “forecasting” might show a focus on reviewing and anticipating future directions in these areas. The term “hospitality industry”, and “medical tourism” may relate to the applications of AI to the tourism industry

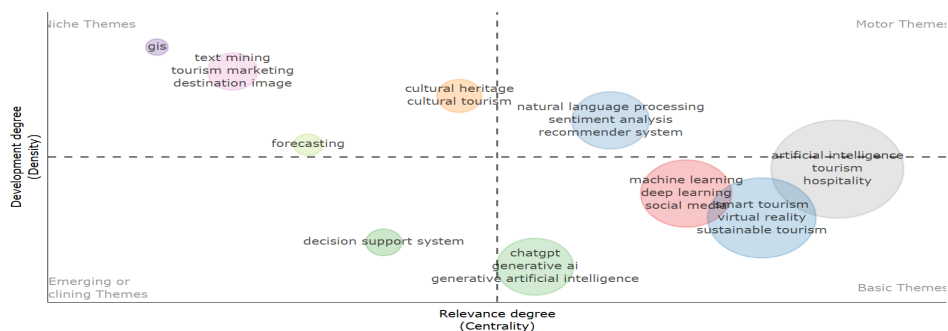
- Green Cluster (Sustainability and Virtual Worlds): Terms like “metaverse,” “blockchain,” “internet of things,” “sustainable tourism,” “virtual reality,” “augmented reality,” and “sustainable development” are clustered together. This points towards a growing interest in using AI to address sustainability challenges, create immersive experiences, and integrate digital technologies with the physical world, especially within the context of tourism.
- Purple Cluster (Generative AI and Education): The presence of “generative AI,” “generative artificial intelligence,” “ChatGPT,” “chatbot” and “education” suggests a focus on the development and application of generative AI models, and on the use of such models in educational settings.
- Red Cluster (Recommender Systems and Decision Support): With terms like “e-tourism”, “decision support system” and “recommender system” this community highlights the use of AI in decision-making and personalized recommendations, perhaps particularly in the context of tourism.

Thematic Map

Strategic maps are used to visualize the intellectual structure of a research field. They plot clusters of keywords/themes based on two key metrics:

- Centrality (Relevance Degree): Indicates the importance of a theme within the overall network. Themes with high centrality are strongly connected to other themes and represent core areas of research. Think of it as the “influence” of a topic.
- Density (Development Degree): Reflects the internal development and cohesion of a theme. High density means that the theme is well-developed with many connections *within* the cluster itself. Think of it as how much a topic has been explored and refined.

Figure 2 – Thematic Map



Source: Author

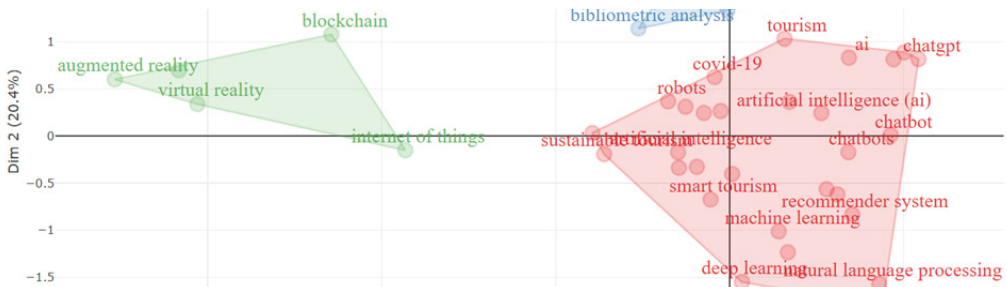
The map is divided into four quadrants, each representing a different type of theme:

- Motor Themes (Upper Right): High centrality and high density. These are the driving forces of the field, well-developed and central to the research area.
- Basic Themes (Lower Right): High centrality but low density. These are important, foundational topics but may be underdeveloped or require further exploration.
- Niche Themes (Upper Left): Low centrality but high density. These are specialized areas of research that are well-developed within their specific domain, but not broadly connected to the rest of the field.
- Emerging or Declining Themes (Lower Left): Low centrality and low density. These themes are either new and still developing or are losing relevance in the field.
- Motor Themes (High Centrality, High Density):
- Artificial Intelligence: This is a core, well-developed area within tourism research. The most central articles listed highlight its importance.
- Tourism/Hospitality: This cluster has got high centrality and density. This suggests that the topic is of great interest in recent years.
- Basic Themes (High Centrality, Low Density):
- Smart Tourism: This cluster has high centrality and low density. Smart Tourism, along with Virtual Reality and Sustainable Tourism, appears to be an important area, but potentially less developed in terms of specific research avenues.
- Niche Themes (Low Centrality, High Density):
- Text Mining, Tourism Marketing, Destination Image: These themes are well-developed within their specific domains, but aren't as central to the overall tourism research landscape.
- GIS (Geographic Information Systems): This is a niche theme, implying a specialized but well-developed application within tourism. Emerging or Declining Themes (Low Centrality, Low Density):
- Chat GPT, Generative AI, Generative Artificial Intelligence: This cluster has low centrality and low density. This may mean the beginning of its use and application for the next years.
- Forecasting: With relatively low centrality and density, forecasting in tourism might be an area that needs further development and integration with other themes. The articles are from 2019, meaning that it is probably an emerging theme.

Factorial Analysis

The map is a two-dimensional representation. Dimension 1 (Dim 1) accounts for 32.86% of the variance, while Dimension 2 (Dim 2) accounts for 20.4%. This means Dim 1 is the primary factor differentiating the descriptor terms, followed by Dim 2. Together, they explain roughly 53% of the variance, indicating that the map captures a substantial portion of the relationships between the descriptors.

Figure 3 - Factorial Analysis



Source: Author

Interpretation of Dimensions (Hypothetical):

- Dim 1 (Horizontal): Could represent a spectrum from *Emerging/Disruptive Technologies (Left) to Applied/Current AI & related Technologies (Right). Terms like “augmented reality” and “virtual reality” are on the left, while “AI,” “ChatGPT,” and “Natural Language Processing” are on the right.
- Dim 2 (Vertical): Could represent a spectrum from Application Areas and High Level Context (Top) to Technical Implementation (Bottom).

Cluster Analysis

The analysis specified 3 clusters.

- Cluster 1 (Green): Virtual/Augmented Reality and IoT.

Key terms: “augmented reality,” “virtual reality,” “blockchain”, “internet of things.”

Interpretation: This cluster represents research focused on immersive technologies, and decentralized digital ledger systems, and the interconnectedness of physical devices. These areas are often explored together in contexts like smart environments, industry 4.0, or advanced user interfaces.

- Cluster 2 (Blue): Hospitality, Marketing, and Technology Adoption/Education

Key terms: “hospitality,” “marketing,” “technology,” “education,” “technology adoption”, “bibliometric analysis,” “sustainability.”

Interpretation: This cluster seems to be focusing on the use of technology in the hospitality and tourism sectors, combined with marketing strategies, educational aspects, and an interest in the sustainability of these approaches. The presence of “bibliometric analysis” suggests that research in this cluster also involves analyzing trends and literature related to technology in these areas.

- Cluster 3 (Red): Artificial Intelligence and Related Technologies
Key terms: “AI,” “chatgpt”, “chatbot”, “chatbots”, “artificial intelligence (AI),” “recommender system,” “machine learning,” “deep learning,” “natural language processing”, “smart tourism”, “robots”, “covid-19”.

Interpretation: This cluster is heavily focused on various aspects of Artificial Intelligence, including natural language processing, machine learning, chatbots and deep learning. The presence of “smart tourism”, “tourism”, “robots”, and “covid-19” suggests these AI technologies are studied in relation to tourism applications and the effects of the pandemic. The link between the pandemic and the use of robots in tourism, for example, may warrant further exploration.

4. Conclusion and recommendations

The bibliometric and network analyses reveal that Artificial Intelligence (AI) has emerged as a central pillar in transforming the tourism ecosystem toward innovation, efficiency, and sustainability. Over the past three decades, the field has demonstrated a steady annual growth rate of 9.5%, with a notable acceleration after 2020 coinciding with the diffusion of generative AI, machine learning, and data-driven tourism applications. The thematic maps and factorial analyses show that AI's integration in tourism research spans from operational tools (e.g., recommender systems, decision-support platforms, and chatbots) to strategic innovations (e.g., smart tourism, sustainable tourism management, and metaverse-based experiences).

The evidence suggests that AI enhances sustainable value creation by reducing inefficiencies, improving resource management, and supporting carbon-efficient practices. However, the literature also exposes emerging risks—namely algorithmic bias, rebound effects through over-tourism, and the ethical dilemmas of automation. While the co-occurrence networks demonstrate strong interdisciplinary linkages across computer science, environmental management, and tourism studies, the field remains fragmented, indicating the need for a more integrated framework connecting technology, governance, and sustainability metrics. Recommendations for future research:

Causal modeling and longitudinal studies:

Future studies should move beyond descriptive bibliometrics to establish causal relationships between AI adoption and measurable sustainability outcomes (e.g., carbon reduction, social inclusion).

Cross-sector integration:

Research should explore AI's cross-sector applications—linking tourism, energy, mobility, and urban planning—to build comprehensive models of smart and green tourism ecosystems.

Ethical and responsible AI frameworks:

Scholars should develop ethical governance models addressing algorithmic transparency, fairness, and accountability, particularly in tourist profiling and automated decision-making.

Socioeconomic impact assessment:

Empirical studies should assess AI's influence on employment dynamics, digital skills, and labor displacement in tourism-dependent regions.

Comparative and regional analysis:

Cross-country comparisons—especially between emerging and developed economies—can identify policy and infrastructural gaps shaping AI adoption trajectories.

Human–AI interaction in tourism experiences:

Research should analyze tourists' psychological and behavioral responses to AI-based systems such as chatbots, humanoid robots, and immersive virtual experiences.

5. Research Limitations

Database coverage bias:

The analysis relies on Scopus-indexed publications, potentially excluding non-

indexed regional journals, grey literature, and industry reports that could enrich the dataset.

Temporal limitations:

Although the dataset spans 1993–2026, the inclusion of “early access” papers may distort trend predictions for the most recent years.

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The press ecosystem in Shkodër: Networking among printing houses, cultural societies and media outlets through key actors

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Abstract

This article examines the Albanian press in Shkodër as a **functional ecosystem**, structured through networks of interaction among printing houses, cultural societies, and media outlets, within which cultural, organizational, and political dimensions intersected. It focuses on the early phases of the development of the press in Shkodër, covering the period from the first periodical publications to 1920. The study aims to demonstrate that the production and circulation of the press in Shkodër cannot be understood as isolated processes. Rather, they emerge as the outcome of sustained interaction between publishing structures and specific actors operating within them.

The analysis focuses on printing houses not only as the technical infrastructure of publication. It examines them as nodal spaces where clerical, secular, and associative initiatives converged, often connected to the political orientations and positions of the time. At the same time, cultural and linguistic societies are examined as programmatic structures that shaped the thematic orientation, editorial profile, and national mission of media outlets. The role of actors is addressed through their concrete functions as publishers, journalists, and organizers, without claiming an exhaustive coverage of all participants involved in this ecosystem.

From this perspective, the article proposes a reading of Shkodër as a case in which the press functioned through shifting configurations of networks and relationships. These configurations were built around concrete publishing initiatives. The adopted approach seeks to contribute to an understanding of the press in Shkodër as a cultural, organizational, and political practice, shaped by the interaction between publishing structures and the actors who activated them.

Keywords: Press in Shkodër, printing houses, cultural societies, media networks.

Introduction

The history of the press in Shkodër begins with the newspaper *Ishkodra*, which local scholars date to 1879, although more recent arguments suggest that its publication may in fact go back to 1868. Regardless of this debate over dating, it remains undisputed that Shkodër holds the highest number of publications in comparison to other Albanian cities, thus emerging as one of the principal centres of press development in the country. As Luan Zelka observes, "when the centres of patriotic Albanian press publication within the country had been closed since 1914, the centre of Shkodër continued even in 1915. The reasons for this particular feature of the Shkodër centre are varied: political, technical, cultural (tradition), etc." (Zelka, 2001, p. 17). This continuity distinguishes Shkodër as a space in which press activity maintained its rhythm even under conditions of political and economic instability, indicating that the written word had already assumed a consolidated public function in the city's cultural life.

Existing studies have tended to focus primarily on the history of individual

newspapers and journals or on prominent personalities associated with them. Much less frequently has the press been examined as a system of relationships linking printing houses, cultural societies, and the actors who operated within them.

2. Printing Houses as Infrastructural and Organizational Nodes

The development of the press in Shkodër was closely connected to the establishment and operation of printing houses. These institutions constituted the material basis of textual production, while simultaneously serving as spaces where cultural, religious, and political initiatives converged. If newspapers and journals represent the visible expression of press activity, printing houses form the underlying structures upon which that activity was organised and sustained.

2.1 *The Jesuit Printing House*

Among the earliest and most influential printing houses was that of the Jesuits, known as *Shtypshkroja e Zojës s'Paperlyeme* (The Printing House of the Immaculate Conception). According to Hamdi Bushati, it “may be said to be the oldest in Albania” (Bushati, 1999, p. 115). Established as early as 1870, it marked an important moment in the institutionalisation of publishing in the Albanian language.

In discussions concerning the earlier printing house of Voskopoja, Peters notes that even if it is considered an Albanian institution, “its publications were predominantly liturgical works of Greek Orthodoxy, in the Greek language and with the Greek alphabet” (Peters, 2016, p. 77). By contrast, the Jesuit printing house, which operated until 1944, “produced and published over 730 publications” (Peters, 2016, p. 93), initially in Italian and soon thereafter in Albanian.

Among the periodicals printed there were the religious journals *Elçia i Zemers t'Jezu Krisctit* and *Lajmtari i Zemers s'Jezu Krishtit* (approximately 640 issues), 36 issues of the review *Përparimi* (576 pages), and 27 issues of *Zani i Shna Ndout*. These figures attest to an extensive and sustained publishing activity, positioning the Jesuit printing house as a consolidated centre of media production in the city.

2.2 *The Ottoman Printing House and the Publication of Ishkodra*

Alongside the Jesuit printing house, another press operated in the city under Ottoman authority. Bushati does not provide a precise date for the beginning of its activity, but, taking the publication of *Ishkodra* as a reference point, suggests that it likely began operating between the mid-1870s and 1880 (Bushati, 1999, p. 116).

This printing house served not only for the publication of the newspaper *Ishkodra*, but also for the printing of administrative registers, official documents, and the provincial yearbooks (salnames) of the vilayet. As Bushati notes, “From this printing house there have remained a series of newspapers ‘Ishkodra’ and two or three copies of salnames (annuaries) which constitute a valuable contribution to our national history” (Bushati, 1999, p. 116). Here, the intertwining of administrative and media functions becomes evident, placing the printing house at a connecting node between Ottoman administration and periodical publishing.

2.3 The Nikaj Printing House: A Private Enterprise as a Network Node

The Nikaj printing house represents a new phase in the organisation of the press in Shkodër, as it was neither linked to a religious institution nor to state administration, but rather to the initiative of a single actor. According to Bushati, “The Nikaj Printing House was owned by Dom Ndoc Nikaj, a significant figure not only in this respect but also in the history of Albanian journalism” (Bushati, 1999, p. 117). The idea of establishing the printing house emerged from a group of patriots led by Preng Doçi, who considered the publication of a newspaper in Albanian a necessity. “In April 1909, D. Ndoc Nikaj installed the first public printing house in Shkodër and on 1 January 1910 began publishing the newspaper *Koha*” (Bushati, 1999, p. 117).

This testimony situates the Nikaj printing house within a clearly defined cultural and political context: it emerged as a response to the need for an Albanian-language periodical and as an instrument of a broader national project.

Pauli Pero notes that the idea of establishing a public printing house that would publish a newspaper in Albanian had been formulated as early as 1906. The project materialised with the acquisition of a small printing press, “with 30 kg of type, secretly brought into Shkodër” (Pero, 2023, p. 37), owned by Nikaj. The very manner in which the machine was introduced into the city reveals the political constraints and control over printing infrastructure during that period.

The infrastructural dimension of this printing house becomes evident in the number and variety of publications it produced. “Books were also printed at the Nikaj printing house. Between 1910 and 1921, 52 titles were printed there” (Pero, 2023, p. 38). During the period under study, the press printed newspapers such as *Shkodra* (1915, 3 issues), *Lidhja Kombëtare* (1915), *Atdheu* (whose editorial office was in Durrës; issues 37–67, 30 issues in total), 25 issues of *Zani i Shna Ndout* (until January 1915), 328 pages of *Hylli i Dritës*, and 36 issues of *Agimi*. These data indicate that the Nikaj printing house was not an isolated local unit, but a connecting node extending beyond the city of Shkodër, expanding the network of press circulation.

Another significant feature of this printing house is that, for the first time in the history of printing in Albania, women were employed there: “for the first time in the history of printing in Albania, girls entered the workforce in this printing house” (Pero, 2023, p. 40), six of them until 1921. This development reflects not only a social opening but also an organisational form that broadened printing practice beyond its traditional model.

In his memoirs, Nikaj writes that he found the courage to establish a printing house “as the only means of propaganda long dreamed of... I began operating with a small press, a limited quantity of type, and one worker taken from the Jesuit printing house of Shkodër” (Nikaj, 2003, p. 153). This fragment testifies not only to personal motivation, but also to concrete links with existing infrastructure in the city, demonstrating that networking among printing houses was a practical reality.

From an economic perspective, Robert Elsie notes that Nikaj’s publishing enterprise was not necessarily profitable, but his commercial activities in other fields provided sufficient resources to sustain his publishing work (Elsie, 2001, p. 39). This suggests that the sustainability of the printing house did not depend solely on publishing revenue, but on its integration into the broader economic activities of its owner.

The Nikaj printing house thus represents the clearest case in which infrastructure, actor, and cultural-political orientation converged within a single functional node. It was not merely a technical instrument, but a space where patriotic initiatives and cultural production intersected, making visible the networked character of the press in Shkodër during its formative stages.

2.4 The Mehmet Pardo Printing House (Luigj Pardo)

The infrastructural configuration of the press in Shkodër must also include the printing house owned by Mehmet Pardo. According to Pauli Pero, “The printing house had no formal name. Only its owner is known... His real name was Luigj Pardo” (Pero, 2023, p. 42). Although it did not represent a major institutional centre, it functioned as a working unit that contributed to the publication of periodicals during a specific phase.

The newspapers *Dilli* and *Hana* were printed there between 1910 and 1912, placing this printing house within the active network of media production of the time. Pero further notes that, judging from the typefaces used, they “must have been purchased from the printing house of the ‘Immaculate Conception’” (Pero, 2023, p. 42). This detail is significant, as it points to a circulation of materials and technical resources among printing houses, making infrastructural interdependence within the city more visible.

Although less prominent in the historiography of the Albanian press, this printing house demonstrates that the production network was not limited to a few consolidated centres, but also included smaller initiatives linking different technical capacities.

2.5 The “Taraboshi” Printing House

The “Taraboshi” printing house was founded in 1913 and printed the newspaper of the same name. Its activity began under constrained conditions, as it lacked the full set of type required for the Albanian language—an issue reflected in the content and typography of *Taraboshi* (Nos. 1–63), though this difficulty was later overcome (Pero, 2023, p. 43). This case illustrates how technical infrastructure directly affected the form and standard of publications.

In addition to *Taraboshi*, this printing house produced *Drita e Popullit*, one issue of *Grethi*, and the newspaper *Populli* during 1914. Subsequently, it “was rented to the Finance Office of Shkodër (1918–1920), and later merged with the Nikaj printing house” (Pero, 2023, p. 43). The transition from a publishing enterprise to financial administration, and later its incorporation into another private printing house, reveals the mobility and transformation of press infrastructure in response to political and economic circumstances.

2.6 The Franciscan Printing House

The Franciscans acquired their own printing house somewhat later, as until 1916 their publications had been printed elsewhere. With the support of Austro-Hungary, they initially installed the “Taraboshi” press within the premises of the Franciscan school (Pero, 2023, p. 45). Given its limited capacity, they later purchased a new printing press, thereby establishing a stable centre of publication.

Among the periodicals printed there during the period under study were *Posta e Shqypniës*, *Populli* (approximately 80 issues in 1919–1920), *Zani i Shna Ndout* (328 issues between 1917 and 1944), and *Hylli i Dritës* (190 of a total of 220 issues; the final 30 were printed in Tirana due to declining print quality in the Franciscan press). Other publications included *Grueja Shqyptare* (10 issues), *Zani i Shkodrës*, as well as numerous additional periodicals published after 1920. Beyond newspapers and journals, the press also printed books, state and private commissions, and advertisements. This printing house represents a model in which cultural and religious mission combined with consolidated technical organisation, creating one of the city's most important centres of media production.

2.7 The “Arsimi” Printing House

Another transformation in the city's printing infrastructure is linked to the “Arsimi” printing house. After passing first to the Franciscans and then being rented to the Finance Office of Shkodër, the former “Taraboshi” press “under the administration of the Finance Office of Shkodër became known as ‘Arsimi’ (until 30 June 1920, when it passed into the ownership of the Nikaj printing house)” (Pero, 2023, p. 48).

Through this printing house, the needs of state administration were met. It printed *Koha e Re*, edited by Nikollë Ivanaj (1919), whose content was subject to oversight by the Directorate of Education. According to the contract, Ivanaj was allowed to use the printing house free of charge. As Pero notes (2023, p. 50), initiatives to establish printing houses were often linked to the desire for independent use and a progressive editorial line, which might have encountered obstacles in clerical presses.

Taken together, the printing infrastructure of Shkodër appears as a system in motion: printing houses changed ownership, function, and orientation, yet remained interconnected. This technical and institutional mobility created the material foundation upon which cultural societies and media outlets further developed. Within this configuration, printing houses did not operate as isolated structures, but as nodes within a dynamic system where ownership, administration, and editorial direction shifted, while infrastructure remained the shared basis upon which the press network of Shkodër was built.

3. Cultural Societies

3.1 The “Bashkimi” Society: Linguistic Programme and National Outreach

In his chronological account of the cultural and educational societies established in Shkodër, Hamdi Bushati notes that, following the League of Prizren, societies such as “Bashkimi” (1889) and “Agimi” (1901) were founded, followed by the “Gjuha Shqipe” club (1911), the “Lidhja Kombëtare” club (1913), the secular society “Vaso Pasha” (1914), “Një tubë djelmni shqiptare,” “Mustafa Pasha” (1914), the “Komisia Letare Shqipe” (1916), “Rozafat” (1919), “Vllaznia” (1919), and “Bogdani” (1919) (Bushati, 1999, pp. 125–129). Within this configuration, the “Bashkimi” Society occupies a distinctive position due to its linguistic programme and sustained publishing activity. Founded at the initiative of the Abbot of Mirdita, Prend Doçi, the society initially emerged as a literary club before soon transforming into “a society of Albanian

patriots under the name “The Society for the Unity of the Albanian Language.” Among its founding members and associates were Ndoc Nikaj, Jak Serreqi, Lazër Mjeda, Gjergj Fishta, Mark Shllaku, Dodë Koleci, and Pashk Bardhi; later joined by figures such as Luigj Gurakuqi, Gjergj Koleci, Mehdi Çuni, and Nikollë Sheldia. In its early phase, one of its primary tasks was the drafting of an Albanian alphabet based on Latin characters, as well as the preparation of educational texts and publications in Albanian.

The society’s publishing activity included, among other works, the *Fjaluer i ri i shqyptes* (1908) and the annual calendars *Shqyptari* (1904–1908). According to Tomor Osmani, from its foundation until 1908 the society “published 32 works, primarily by its own members” (Osmani, 2004, p. 126). Its ideas were further disseminated through the newspaper *Koha-Bashkimi* edited by Ndoc Nikaj. This sustained production situates “Bashkimi” as a structure with tangible organisational and publishing capacity.

Its influence extended beyond Shkodër. Through exchanges and reflections in contemporary periodicals, including Faik Konica’s journal *Albania*, the society became part of the broader national debate on language and alphabet, integrating itself into a wider network of circulating ideas within Albania and the diaspora.

In this sense, the “Bashkimi” Society functioned as a programmatic node within Shkodër’s cultural network: it articulated a linguistic agenda, produced concrete texts, and connected with media outlets that served as extensions of its programme.

3.2 The “Agimi” Society

The “Agimi” Society was founded in 1901 as a linguistic, literary, and cultural association. Its establishment was closely linked to Ndre Mjeda, who, although invited by Prend Doçi to join “Bashkimi,” did not agree with its proposed alphabet. The alphabet of “Agimi,” while based on Latin characters, supplemented them with diacritical signs in order to address perceived shortcomings. Following the Conference of Bishops held in Shkodër in 1902, the alphabet of “Agimi” “prevailed for a time over that of ‘Bashkimi’” (Osmani, 2004, p. 158). This indicates that the debate was not merely theoretical but had practical consequences for writing and publication.

The society’s spokesperson was the periodical *Dashamiri* (1907–1908), edited by Mati Logoreci. Through this publication, the orthographic and literary programme of “Agimi” entered into media circulation. According to Osmani (2004, pp. 158–160), its alphabet was used in correspondence by figures such as Luigj Gurakuqi, and there existed a confidential agreement between Ndre Mjeda and Nikollë Ivanaj (editor of *Shpnesa e Shqypnis*) to publish using the “Agimi” alphabet. Gurakuqi also collaborated with *Dashamiri*, demonstrating the circulation of actors beyond formal divisions.

Thus, “Agimi” should not be viewed solely as a counterweight to “Bashkimi,” but as an alternative configuration operating through its own media organ and establishing connections with various actors in the cultural field.

Although “Bashkimi” and “Agimi” shared a common national horizon—promoting literacy in Albanian and shaping a literary culture—they pursued different solutions and organisational paths.

3.3 “Vepra Pijore”: The Jesuit Cultural Model and Organised Production

“Vepra Pijore” was founded in 1907 at the Saverian College in Shkodër, in support of literature and inspired by German and Austrian literary societies. Its creation was linked to Pope Pius X’s call for “a good press” and to a rivalry with the literary society “Dante Alighieri,” which, according to the Jesuits, had not achieved the desired standard in publishing. This situates “Vepra Pijore” within a cultural and ideological context in which the quality of the press was regarded as an instrument of influence. In a later assessment, Jup Kastrati observed: “This society rendered a valuable service to our national cause... poor in means and not very rich in culture, yet powerful in the influence it exerted on the people” (Kastrati, 1962, p. 91). This evaluation emphasises not only production but also cultural and national impact.

3.4 The “Lidhja Kombëtare” Club and the Political Dimension of the Press

The political dimension of social organisation in Shkodër became more pronounced during and after the First World War, when societies and committees assumed an explicitly national character. As Jup Kastrati notes, “In Shkodër, in 1915, a secret committee was established, as well as the club ‘Lidhja Kombëtare.’ Their aim was to secure Albania’s independence and preserve its territorial integrity. The spokesmen of this programme became the newspapers ‘Populli’ of Mustafa Qulli and ‘Lidhja Kombëtare,’ published in Shkodër. As is known, the Serbian occupiers killed Mustafa Qulli...” (Kastrati, 1967, p. 4).

This passage clearly illustrates the direct link between organisational structures and media outlets. The press did not function as a neutral space of information, but as a vehicle for articulating the political programme of the societies and committees operating in the city.

The newspaper *Populli*, particularly in its 1919 edition under the editorship of Salih Nivica, adopted a clear editorial line defending national rights, opposing the policies of neighbouring states and criticising the decisions of the Paris Peace Conference. Its stance was especially critical of Italian governmental plans, which it perceived as a threat, and of the pro-Italian orientation of the Durrës government. Other recurring themes included concerns regarding Greek and Serbian ambitions.

In this respect, “Lidhja Kombëtare” and its associated organs demonstrate that press networking in Shkodër was not confined to cultural and educational initiatives, but was also explicitly political. Societies and committees used the press as an instrument to articulate positions, mobilise opinion, and intervene in national debates. This interaction between social organisation and media production clarifies the functioning of the press as part of an ecosystem in which infrastructure, programme, and political actors converged.

Its financing was mixed: it received support from the Ministry of Finance in Rome in the amount of 4,000 Italian lire, as well as contributions and donations from members and supporters. “Within 25 years, this society published 42 different works” (Peters, 2016, pp. 307–308), indicating structured organisation and a clearly defined publishing programme.

Peters also highlights the composition of participants in the programme of “Vepra Pijore”: approximately eight Jesuits (26%), eleven other priests (37%), and eleven lay

authors (37%), with over 90% of participants being Albanian (Peters, 2016, p. 319). This composition demonstrates an interaction between clergy and lay intellectuals, moving beyond an exclusively religious model and creating a broader collaborative cultural space.

Within the press ecosystem of Shkodër, “Vepra Pijore” represents a structured cultural model in which textual production, financial resources, and authorial composition interacted to generate sustained intellectual influence. It illustrates that networking was not only the result of individual initiatives but also of institutionalised forms that articulated coherent publishing programmes.

3.5 The “Vllaznija” Society: A Secular Model and Cultural Organisation

The “Vllaznija” Society was founded in 1919, at a moment when cultural organisation in Shkodër had already reached a consolidated stage. The newspaper *Populli* (1919) published information in several issues (e.g., nos. 13, 14, 17) concerning its programme, literary branch, and internal organisation, presented by its president Hilë Mosi. One of the society’s objectives was the publication of a periodical aligned with its programme—the journal *Agimi*. A significant element for the time was its composition across religious divides, constructing a secular and interfaith model in support of a national cultural agenda.

According to Prof. Boriçi, Hilë Mosi was “one of the political thinkers of his generation” (Boriçi, 2024, p. 134). His publicistic and political activity linked the society directly to the media network of the time. Together with Risto Siliqi, he published *Shqypnija e Re* (1913); he was an active member of the “Komisia Letare Shqipe” (1916), president of “Vllaznija” (1919), and one of the principal contributors to *Agimi*. The contribution of Kristo Floqi—head of the society’s literary branch in 1919 and co-director of *Agimi* (1919–1920)—together with Karl Gurakuqi, described as “a valued member of societies and cultural committees” (Petrota, 2008, p. 386), illustrates the circulation of actors between social structures and editorial spaces. In this interaction, “Vllaznija” appears as a node where cultural organisation and media activity functioned within the same structure of interdependencies.

3.6 The “Gruaja Shqyptare” Committee and the Articulation of a Female Voice

An important dimension of this cultural and social organisation was the “Gruaja Shqyptare” Committee, established in 1918 and directly connected to the journal of the same name. At the centre of this initiative stood Shaqe Çoba, representing a model of a progressive female elite in Shkodër.

The committee organised groups of women in support of fighters and in response to Yugoslav pressures in the northern regions of the country. The participation of women from different religious backgrounds demonstrates that national and social concerns transcended confessional divisions, extending the organisational network into the sphere of women’s activism.

The journal *Gruaja Shqyptare* functioned not merely as an informative outlet but as a direct extension of the committee’s programme. Through it, a vision of women’s role in society, education, and the national cause was articulated, integrating a gender dimension into the broader press ecosystem of Shkodër.

3.7 The “Komisia Letare Shqipe”: Institutionalising the Linguistic Programme

The convening of the “Komisia Letare Shqipe” in Shkodër in 1916 marked a significant moment in Albanian cultural history, as it focused on language, literature, and national education. Its establishment in this city can be understood through historical, socio-cultural, and educational factors that had already positioned Shkodër as an active intellectual centre.

According to Tomor Osmani (2004, pp. 22–32), the founding meeting was attended by figures such as Luigj Gurakuqi, At Gjergj Fishta, Sotir Peci, Dom Ndre Mjeda, Mati Logoreci, and At Ambroz Marlaskaj; later sessions included additional personalities beyond the local context. Robert Elsie notes that in 1916, together with Gurakuqi, Mjeda, and Logoreci, Fishta played a leading role in the Commission “to decide on the official use of orthography and to encourage the publication of school textbooks in Albanian” (Elsie, 2001, p. 285). Although Fishta supported the Shkodër dialect, the Commission opted for the Elbasan dialect as a compromise solution, demonstrating an institutional rather than regional approach.

A significant element in terms of networking was its media organ, *Lajmet e Komisë Letrare*. Although short-lived as a periodical, it had particular importance, as through it the Commission publicly articulated its programme and institutionalised its decisions in printed form.

In this sense, the “Komisia Letare Shqipe” represents the apex of the institutionalisation of the linguistic programme in Shkodër. It brought together figures from different regions, established standards affecting education and administration, and used the press as a means of disseminating and legitimising its decisions. Thus, networking among societies, actors, and media outlets assumed a consolidated institutional form.

Conclusion

The analysis of the press in Shkodër during its early phases demonstrates that the production and circulation of periodicals cannot be understood as fragmented processes. They developed within an interconnected configuration of printing houses, cultural and political societies, and media outlets operating in relations of sustained interdependence. Technical infrastructure, collective organisation, and programmatic initiatives shaped a functional space in which linguistic, educational, and national issues were articulated.

The plurality of models—from private enterprises to clerical printing houses, from linguistic societies to political committees and women’s organisations—reveals a dynamic organisational landscape in which cultural projects and ideological orientations developed in parallel and often in interaction. Even under limited infrastructural and financial conditions, this dynamic generated a continuity of publications that surpassed individual initiative and points to a durable collective capacity.

In this light, the case of Shkodër may be read as a functional model of press development in which media activity rested upon consolidated networks of institutional and cultural relationships. The development of the press thus appears not merely as

the product of isolated figures, but as the outcome of an organised configuration of interdependencies that enabled the production and circulation of ideas in printed form. This approach contributes to a reassessment of the history of the Albanian press by shifting the focus from biographical narratives toward the structural and networked dimensions that made its functioning possible.

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Issues regarding the Gheg infinitive of the Albanian language

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Abstract

This article analyzes the phenomenon of the Gheg infinitive in the Albanian language, focusing on its historical, structural, and sociolinguistic dimensions. The infinitive, particularly the analytic form *me punue* (to work), has been documented in early northern Albanian texts, reflecting internal linguistic developments as well as influences from other Balkan languages. Diachronic analysis shows that the synthetic infinitive disappeared relatively early, replaced by the analytic form *me punue* in the north and by the subjunctive form *për të punuar* in the south, reflecting a broader Balkan pattern of infinitive loss.

From a synchronic perspective, the distribution of the infinitive highlights clear dialectal distinctions: the Tosk dialect predominantly uses the form *për të punuar*, the Gheg dialect employs *me punue*, and northern and northeastern Gheg varieties also display constructions such as *për + me + punue*. In southern Tosk and the Arbëresh communities of Italy, infinitival functions are often performed by the subjunctive, emphasizing structural and historical variation across Albanian varieties.

The study also addresses debates on integrating the Gheg infinitive into Standard Albanian, established on the Tosk dialect since the 1972 Orthography Congress. After political changes in the 1990s, linguistic discourse opened to the potential inclusion of the Gheg infinitive, with scholars such as Rexhep Ismajli, Rrahman Paçarizi, Shkumbin Munishi, and Julia May Kolgjini advocating its use to enrich linguistic expression, reflect spoken language and promote equality of prestige among all Albanian speakers. Opponents, including Shezai Rrokaj and Androkli Kostallari, argue against its inclusion due to structural incompatibilities and the risk of undermining the integrity of the standard.

The article concludes that the Gheg infinitive represents a valuable linguistic heritage, illustrating both the historical depth and structural richness of the northern dialect. Its integration into Standard Albanian requires a careful balance between historical tradition, structural coherence, and speaker needs, allowing the coexistence of dialectal and standard forms. The ongoing debates underscore that language functions simultaneously as a living organism and a regulated institution. Thoughtful and evidence-based language policies are essential to harmonize dialectal heritage with standard norms, demonstrating the adaptability, richness, and complexity of the Albanian linguistic system.

Keywords: Infinitive Gheg, dialectal form, discussions, attitudes, Albanian standard.

Introduction

The infinitive in the Albanian language has long been a central focus of research, both by Albanian and international linguists, for its role in the historical development of the language as well as in contemporary linguistic changes. A diachronic approach to these varieties provides valuable data not only for understanding the historical evolution of peripheral forms within Balkan languages, but also for tracing internal historical changes within the Albanian linguistic system itself. In addition to these perspectives, research on infinitive—particularly the so-called Gheg infinitive—has

occupied a central place in Albanian linguistic studies since the 1990s. Politically and socially, this period corresponds to the post-socialist era in Albania, while linguistically, it relates to analyses of the “Gheg infinitive–standard” relationship, which centres on the question of how this variety can be integrated into the Albanian standard.

Comparative studies of peripheral varieties within the Balkan linguistic context further reveal parallels in their development across these languages. It is a well-known that in several Balkan languages, such as Greek, Bulgarian, and Romanian, the infinitive is not present. In these languages in earlier periods was present the synthetic infinitive form, which were later replaced by the subjunctive mood or by verbal constructions equivalent to the subjunctive. In the Albanian language, as the linguist Sh. Demiraj notes, “the situation appears rather complex” (Demiraj, 1988, p. 62). The studies about infinitive have shown that in the first documents of written Albanian in north dialect was used the analytic form of the type *me punue* (to work), which represents an internal linguistic development of the Albanian language that couldn't be older than the 6th–8th centuries. Linguistics has suggested that this form may also have been used in southern varieties (or south dialect): the evidence is the structure or lexical expression *do me thënë* (that is to say), which is also found in southern speech. In other varieties of Albanian, particularly during the last centuries developed a form of the structure *për të punuar* (in order to work), which is used in the same functions of the infinitive (Demiraj, p. 62). Traces of this form are present even in the first written book in Albanian, *Meshari*, by the author Gjon Buzuku (1555), while a more developed usage appears in the books of another writer, Pjetër Bogdani (1685) (Demiraj, p. 62).

Analysis

Based on studies conducted by various scholars, Sh. Demiraj reaches two important conclusions regarding Albanian: if the Albanian language once possessed a synthetic infinitive, it must have been eliminated relatively early, being replaced by two new forms: the analytic non-finite form *me punue* and, partly, the subjunctive. The fact that in the south dialect the form *me punue* did not develop indicates that the older synthetic infinitive must have been replaced by the subjunctive, as also occurred in Greek. This Greek influence had previously been noted by Sandfeld, who argued that the disappearance of the infinitive in the Balkan languages occurred under the influence of Greek (Demiraj, 1988, p. 63). This represents the diachronic linguistic interpretation of the infinitive in Albanian.

But how does the “infinitive” appear nowadays in Albanian language? In the linguistic research of recent decades, a comprehensive treatment of the dialects and varieties of Albanian—their common features and differences—has been provided by the linguist Gj. Shkurtaj. Regarding to the infinitive and its forms in Albanian, he observes the following distribution: the infinitive form *për + të + participle* (*për të punuar*) is widespread throughout the Tosk dialect; the form *me punue* is widespread throughout the Gheg dialect. In addition to this form, in the northern and northeastern Gheg varieties there is also another infinitival construction of the type *për + me + punue* (Shkurtaj, 2016, p. 103). Beyond this division, there are also areas in Albanian where

the infinitive is not in use and its functions are performed by the subjunctive. Such a phenomenon is found in the southern Tosk varieties (Çamërisht) and in the Arbëresh varieties of Italy (Shkurtaj, 2016, p. 103). With this observation, Shkurtaj maintains essentially the same thesis defended by Demiraj and Sandfeld, as outlined above.

As we mentioned above, studies on the infinitive in Albanian, particularly the analytic infinitive *me punue* used in the Gheg dialect, have also focused on another perspective: its relation with the standard of Albanian. Linguistic studies and discussions on the Gheg infinitive were mainly developed after the 1990s.

At this point, the following question may be raised: Why did the Gheg infinitive become a controversial linguistic structure, and why did scholarly debates concerning it emerge only after the 1990s? In order to clarify this second perspective of our study, it is necessary to briefly outline certain historical data concerning the formation of Standard Albanian. This variety was officially established in 1972 on the basis of the Tosk dialect. However, a review of the history of the standardization process shows that from 1909 to 1945 discussions were conducted and decisions were taken regarding the establishment of a standard language based on the Gheg dialect—respectively, on the Elbasan variety (Kaçi, 2025, p. 93).

With the new language policies of the consolidation of the standard, the infinitive *me punue*—referred to in Albanian linguistic scholarship as the “Gheg infinitive”—remained classified as a dialectal feature. Furthermore, it must be emphasized that in Albania the process of standard formation took place under the strong influence of political factors, namely the socialist regime. It is well known that during the socialism period in Albania, scientific criticism and debate were extremely limited and heavily politicized. It can also be said that the right to critique in science primarily benefited people in power and party members. Consequently, the political changes that occurred in Albania in 1990 created a new social reality and different linguistic circumstances, allowing various linguists and researchers from Albania and Kosovo to share ideas on issues related to Standard Albanian, including certain changes in morphology, phonetics, and orthography, as well as linguistic attitudes toward the Gheg infinitive. The debate over the Gheg infinitive arose not only because it represents a fundamental difference between the two main Albanian dialects, but also because its replacement with a subjunctive or with the Standard Albanian infinitive form was incomplete, failing to cover all the functions of the infinitive (Munishi, 2011, p. 195). Since the beginning of the Albanian standardization process after World War II, whether to include the infinitive in Standard Albanian has been a subject of study and ongoing controversy. In the early 1950s, when Tosk was chosen as the basis of Standard Albanian—diverging from the dialect proposed by the Shkodra Literary Committee—official language planners proposed incorporating the infinitive into the standard. For instance, at the September 1952 Session, Dhimitër Shuteriqi advocated for introducing the Gheg infinitive, specifically the form *me ba* (to do) into the literary language (Munishi, 2011, p. 195). Regarding Shuteriqi’s attitude, Rexhep Ismajli notes that Shuteriqi demanded the introduction of the infinitive, as this form had already been used in the writings of the communist leader Enver Hoxha (Munishi, 2011, p. 195). Later, in the 1960s and 1970s, when the standardization of Albanian proceeded on the basis of Tosk dialect, the Gheg infinitive was completely excluded from the

standard and replaced with the subjunctive or the Standard Albanian infinitive form *për të punuar* (to work). The official language policy of the time aimed to shape Standard Albanian through dialectal convergence, and within this context, the issue of the infinitive reflected a broader linguistic problem that ultimately followed a natural path toward resolution.

In that period, Androkoli Kostallari commented on the Gheg infinitive as follows: “Life has already shown that the ‘infinitive problem’ had been previously exaggerated. The literary standard could not resolve this issue on the syntactic plane separately from the morphological plane. It chose the direction of abbreviated constructions, which were partially related to the infinitive type, thereby greatly reducing in writing the fundamental syntactic differences between the northern and southern literary variants and facilitating the crystallization of a unified standard syntax” (Munishi, 2011, p. 196). Bahri Beci emphasized that the infinitive constitutes one of the fundamental features distinguishing the grammatical structures of Albanian dialects. Contrary to the view that Standard Albanian, based on the southern dialect, rightly avoided the infinitive as foreign to the macro-dialectal system, he argued that the so-called “infinitive problem” had been previously exaggerated, and that literary norms could not resolve this issue on the syntactic plane independently of morphology (Munishi, 2011, p. 196). Although Albanian standardization, culminating in the Project of Spelling Rules (1967) and the Congress of Spelling (1972), ultimately excluded the northern dialect infinitive, the issue remains central in contemporary language planning. Opponents resist any change, while proponents argue for creating space for the Gheg infinitive. Shaban Demiraj considered its inclusion unnecessary, given the expansion of subjective functions in both dialects (Munishi, 2011, p. 198), whereas Nuhi Veselaj viewed it as necessary. Rexhep Ismajli proposed allowing certain Gheg infinitive constructions “in free competition” within Standard Albanian and outlined possible approaches: (a) maintain the full Gheg participle for specific functions while retaining current adjective forms, (b) use intermediate short participle forms *thënë*, *ardhë* (said, come) with current adjectives, (c) preserve the Tosk infinitive while creating a parallel privative form, and (d) allow infinitival variation in certain syntactic constructions for speakers who need it (Munishi, 2011, p. 198).

Another linguist who advocates the importance of Gheg infinitive involvement in standard Albanian is Rrahman Pacarizi. According to him, the issue of the infinitive remains one of the main problems affecting the proper rejection at the standard rate of standard language Gheg speakers. This looks especially in formal situation in which they still use the Gheg infinitive, feeling not learned and adapted to the shape of the standard. “In cases of formal situation gets even more interesting, when speakers during deliberate effort do not use Gheg infinitive surrogate forms, using alternately the subjunctive and infinitive, of course not always. Infinitive is in fact the way of thinking of the Gheg speakers who can hardly be exempt from its influence (Pacarizi, 2011, p. 108). According to Pacarizi Gheg infinitive replaced with the standard form, affects several aspect of the statement: The use of the Gheg infinitive may create morphological and semantic dilemmas, affect the syntactic structure, generate a confrontation between action and non-action expansion (as the Gheg infinitive retains an active form, whereas the standard construction shifts toward a non-action form),

influence the rhythmic and acoustic effects produced during articulation, and provide Gheg speakers with a more accessible means of expression. To embody his ideas, the author, relied on some illustrative examples. Let us see an example sentence: *Për me u dobësue s'është mirë me mbajtë dietë, por është mirë me u marrë me sport* (To get fit is not good to go on diet, but is best to deal with the sport). If we turn this sentence in standard, it creates not only a morphological dilemma, but also a semantic one, since in this case the subjunctive forms refer to personal pronouns, specifically the second person. Another issue comes out in when we should cover the absence of Gheg infinitive in standard speech is the counterpart of active and nonactive conjugation. If we take the example *''Ish kan mir me livru aren nesor''* the way to transform this statement in the standard would be: *Do të ishte mirë të lëvrohej ara nesër* (It would be nice To work the field tomorrow...). In the first example we have the verb in active diatheses while in the second case is asked active diatheses. The same thing happened in the example: *Arën duhet me e livru* (The field must be ploughed) against: *Ara do lëvruar* or *Ara duhet lëvruar* (The field is to be ploughed). This structure for Gheg speakers has no sense, as there is no sense "snow melts" when used in the active, verb that expresses an action that should not be performed by the subject. In formal speech Gheg speakers try to avoid cases where should use the infinitive form (Pacarizi, 2011, p. 109). According to Pacarizi, another argument that gives priority to infinitive (to work) connects with rhythmic-acoustic terms. This can be verified if we see the use of these forms in spoken language connected in which participle form comes out fluently and with minimal pause while the standard form causes the pause phenomenon (Pacarizi, 2011, p. 109).

Infinitive topics included linguist Shkumbin Munishi (2011) who is of the opinion that infinitive should be part of standard Albanian language. He based his thoughts in same basic reasons: First: infinite even after four decades of existence of standard Albanian missing from the use not only in the Albanian language varieties spoken in the north of Kosovo, in Shkodra and elsewhere, but also in central Albania such as Tirana and Durres. It continues to be used in informal style of speech. Recently, in both Albania and Kosovo, a general tendency has been observed in informal speech toward the use of the short participle and the typically Gheg infinitive. Secondly, one possible way to introduce the infinitive into Standard Albanian would be to expand the use of the short participle while allowing both forms to function in parallel. This approach could be applied to most participles which, in Gheg, may take the written ending *-ë*. Especially it could be applied to those verb forms that participle is formed with suffix *-ur* which is applied to most verbs (p. 201).

If, according to Munishi, the rationale for including the infinitive is related to expanding the use of the short participle, another researcher involved in the debate, Julia May Kolgjini, argues that "the return and inclusion of the Gheg infinitive in Standard Albanian is de facto linked to the transformation of covert prestige into overt prestige" (Kolgjini, 2011, p. 220). Her idea it is very clear when she says.... What is proposed in this presentation is simply the return of some forms that once were standard, but since 1972 are officially classified as non – standard forms also stigmatized and treated as substandard. According to her, the infinitive involvement would not prevent existing standard; but it would affect in expansion and getting

in a richer level, which would be “uses –friendly”. Allowing in this way “equality in prestige” for all Albanian speakers to be able to express their opinion more easily than the existing standard. Infinitive involvement in Albanian language standard, was supported by Kolgjini, on beginning (at least) with Buzuku 1555 until nowadays, 2011. According to her, “For nearly, half a millennium, this form of the document has survived, despite, avoiding its incorporation in standardization process (i.e. 1956, 1967, 1968, and 1872) (Kolgjini, 2011, p. 220). Including infinitive in modified standard, Albanian language would be more comprehensive, it would reflect the spoken language of most of Albanian who live in the southeast of Europe and in the Diaspora. Likewise, there would be more variety in linguistic expression and moreover would lead to the observance of human rights language, to all speakers as minority and majority (Kolgjini, 2011, p 221). Kolgjini supported her opinion also in suggestions of some linguists and researchers that “the only way that the Gheg infinitive will be accepted by the measures (not only of Gheg, but also of Tosk and all Albanian speakers) in meaning of incorporation in standard Albanian language, is if it returns officially once again in the position of overt prestige. The author held open attitude towards this issue. According to her, there are other forms of acceptable for those who do not want to use the infinitive. More specifically, she says: In this improve standard they who do not want to use the infinitive, could use existing acceptable alternative forms that exist in Albania (as for example. Subjective mood). Striving for inclusion and democratization of this standard language recognizing infinitive according to the author also unifies current adjective forms dissonant as for example (e punuar dhe e papunueshme) the inclusion of (e punueme) form, which provides unified organic and harmonious rate (Kolgjini, 2011, p.220).

While there are too few linguists who are of the idea of not including this form in Albanian standard. They stand against involvement of Gheg infinitive in Albanian standard. According to linguist Shezai Rrokaj, interference of the kind proposed in the verbal system of the current standard would reopen the Albanian standardization process from the beginning, potentially resulting in a Gheg-based alternative standard. As the verb is the core of the sentence, so the base of language, the change of this core affects the base of standard. With the involvement of Gheg infinitive as a representative form, the standard that is created cannot be that which is “supposedly improved” as an over dialectal “supposedly sweeping” (Rrokaj, 2011, p. 8). Likewise, Gheg infinitive extension within the today standard would “alienate” its self because it will also distort the standard and the written Gheg. This will occur because this intervention would undermine the natural linguistic principle that preserves the core feature distinguishing Gheg from Tosk (Rrokaj, 2011, p. 9).

Based on the linguistic views and arguments presented above, we will raise an important question: Should the Gheg infinitive of the Albanian language remain merely a dialectal form?

The language of a nation is an institution, just as it is also a “living organism.” This means that, in addition to being a component in continuous development, change, open to innovations and transformations, language is equally an institution regulated and controlled by linguistic norms, such as its standard variant. In this point of view, grammatical changes within a standard language cannot occur entirely naturally.

The issue becomes even more complex when we speak of the Gheg infinitive and its “inclusion” in the current standard.

Beyond all discussions, the Gheg infinitive constitutes a value of the Albanian linguistic system and an indicator of its antiquity. On the other hand, it is equally true that the coexistence of this Gheg dialect form within the linguistic structures of the present-day standard—constructed on the basis of the Tosk dialect—poses considerable difficulty. The complexity of such linguistic intervention increases even further if we speak of a “planned” rather than a natural process.

If we attempt to resolve this issue through deliberate linguistic intervention—that is, by seeking projected solutions based on experimental linguistic models and structures, and above all immediate ones—then the inclusion of the Gheg infinitive will neither cease to be debated nor have a clear prospect of resolution. It should be emphasized that these linguistic discussions have focused primarily on the structural and semantic aspects of the language system, without sufficiently considering the “speaker” or “users” of Standard Albanian, for whom the infinitive construction “për të punuar” (“to work”) has been fully internalized in all its uses. Naturally, this further complicates the issue.

Under these circumstances, the appropriate scientific decision should adhere to the universal principle that governs language: time, since what is at stake is an “artificial” intervention in the linguistic system. We must recall that even changes arising spontaneously from the internal development of a language require sufficient time to become integrated into the system—let alone changes resulting from non-natural intervention.

At this point, the issue may seem unresolved; however, should this form of the Albanian language remain merely a dialectal feature? Every linguist and scholar of language is well aware of the value and importance of preserving archaic features of the mother tongue. Therefore, it is the responsibility of Albanian linguistics to develop new language policies regarding the Gheg infinitive. In this regard, particular attention should be given to literary writing in two respects:

- Efforts by Albanian writers to use, alongside the infinitive construction “për të punuar,” also the Gheg infinitive in those linguistic structures where meaning and syntactic relations are not disrupted—thus adopting a policy of free use of both infinitive forms.
- The use of the Gheg dialect in works of fiction by Gheg authors, alongside folkloric creations.

Regarding all submitted treatments and suggestions, we believe that specific aspects related to the standard should be discussed to better align spoken discourse with written discourse. It should also be recognized that issues related to language will always remain open and inexhaustible, due to its inherently variable nature.

Conclusion

In light of the diachronic and synchronic evidence presented above, it becomes clear that the infinitive in Albanian represents a complex and historically phenomenon, shaped by both internal linguistic developments and broader Balkan areal influences. The coexistence of different infinitival constructions—*me punue* in Gheg, *për të*

punu in Tosk, and the replacement of infinitival functions by the subjunctive in certain varieties—reflects not only dialectal differentiation but also deeper structural transformations within the Albanian linguistic system. The comparative Balkan perspective further supports the view that the evolution and partial disappearance of the infinitive must be understood within a wider context of language contact and convergence. Therefore, the study of the Albanian infinitive is not merely a question of dialectal variation, but a key issue for understanding the historical development, structural dynamics, and areal positioning of Albanian within the Balkan linguistic area.

Bottom of Form Apart from this point of view, the infinitive represents a significant aspect of Albanian linguistic heritage, reflecting both the historical depth and structural richness of the north dialect. According to this after the political changes a series of meetings and conferences were organized by linguistics related to the Gheg infinitive and the possibility of its involvement in standard Albanian. Based on the discussions, there were significantly observed two types of attitudes: on one side, the linguists that are positive about its involvement and on the other side, the linguists who are against. Linguists who consider this innovation impossible due to grammatical and structural incompatibilities include Androkli Kostallari, Bahri Beci, and Shezai Rrokaj, among others. Conversely, linguists who consider it possible and reasonable to include the infinitive are Rexhep Ismajli, Rrahman Paçarizi, Shkumbin Munishi, Julia May Kolgjini, and Mehmet Çeliku, among others.

Therefore, any approach to its inclusion must carefully balance historical tradition, the structural integrity of the standard, and the needs of speakers, allowing for coexistence of both forms where possible. The ongoing debates underscore that language functions simultaneously as a living organism and a regulated institution, and that thoughtful, time-sensitive policies are essential for harmonizing dialectal heritage with standardized norms. Ultimately, the discussion of the Gheg infinitive illustrates the richness, adaptability, and complexity of the Albanian linguistic system, and highlights the responsibility of linguists to develop inclusive, evidence-based language policies.

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Evaluation of the “Albanian SME Internationalization Difficulty Index”

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Abstract

This paper examines how Albanian small and medium-sized enterprises (SMEs) perceive difficulties in the process of internationalization. Building on classical and recent literature on export barriers and SME internationalization, it develops a quantitative instrument the “Albanian Internationalization Difficulty Index (AIDI)” to quantify perceived challenges across five dimensions: information and market research, regulatory and administrative burden, financial and funding constraints, human capital and capabilities, and networked and logistical access. The empirical analysis relies on primary data collected from 89 Albanian SMEs that are at the beginning of, or within the first ten years of, their internationalization process. Our findings indicate that while Albanian SMEs recognize growth opportunities abroad, perceived difficulties cluster around access to credit, competition in foreign markets, lack of information on standards and customers, compliance with quality and safety standards, and limited exposure to international networks.

On this basis, the paper proposes a stepwise difficulty reduction strategy for SMEs, emphasizing: systematic market analysis, capability development (managerial, technological and marketing), targeted use of public support measures and strengthening of strategic networks. Policy implications emphasize facilitating measures—such as streamlined export procedures, enhanced credit instruments for SMEs, and capacity-building programs to boost Albania’s SME integration into regional and global value chains. The study contributes to the literature on SME internationalization by providing a quantitative tool to diagnose barriers, monitor progress, and guide policy and firm-level strategies in a transition economy context.

Keywords: SMEs internationalization, export barriers, perceived difficulties, risk management.

JEL Codes: F3, L26.

1. Introduction

The article investigates how small and medium-sized enterprises (SMEs) in Albania perceive the difficulties they face when they attempt to enter and operate in foreign markets, and it proposes a structured, quantitative way to measure these perceptions. Internationalization is presented not as a single event, but as a complex, dynamic process in which a wide range of internal and external factors intersect: the firm’s own resources and capabilities; the economic, legal, and regulatory environment; cultural and market conditions abroad; and the quality of institutional support at home and in destination countries. For every SME that tries to expand beyond its domestic market, encountering barriers and challenges is normal and, to some extent, inevitable. What matters for both firms and policymakers is how these barriers are understood, prioritized, and managed.

A central argument of the article is that managers’ and owners’ perceptions of obstacles are themselves a critical “input” into decisionmaking. Even when two firms face similar objective conditions, the one whose managers perceive these conditions

as manageable (or know how to respond to them) will act very differently from the one that sees them as insurmountable risks. Perceptions guide strategic choices: whether to enter a market at all, which countries to prioritize, which mode of entry to use, how much to invest in quality, branding, or logistics, and how urgently to seek external support or partnerships. For policymakers, understanding these perceptions is equally important, because support instruments that ignore how SMEs experience barriers on the ground tend either to be underused or to miss the main pain points.

To systematize and quantify these perceptions, the study constructs and applies the Albanian SME Internationalization Difficulty Index (AIDI). Internationally there is no single accepted standard formula for such an index; existing studies differ by country, sector, and research focus. Building on this literature and adapting it to the Albanian context, the author designs a conceptual model where perceived difficulties are seen as the outcome of three broad groups of factors:

1. Internal firmspecific factors – such as managerial experience, organizational capabilities, human capital, and technological readiness.
2. External environmental factors – economic, legal, regulatory, and sociocultural conditions in both the home and host countries.
3. Institutional and supportrelated factors – including trade policy, public programs, financial access, and the quality of infrastructure and business support services.

The article does not stop at presenting a single aggregate index. It disaggregates AIDI scores by:

Firm characteristics - such as size, age, export experience, and ownership, to explore patterns like whether very young or very small firms feel more overwhelmed by obstacles than more mature or larger exporters.

In sum, the article offers both a conceptual framework and an empirical application of a Perceived Difficulties in Internationalization Index for Albanian SMEs. It shows that overall perceived difficulty is high, particularly for micro firms and very young exporters, that certain barriers (finance, competition, information, quality standards, and logistics) weigh particularly heavily on managers' minds. By quantifying perceptions and linking them to specific factors, the study provides a clearer evidence base for firms and policymakers seeking to design more effective strategies for SME internationalization.

2. Literature Review

1. Internationalization of SMEs and the Role of Perceived Barriers

The internationalization of small and medium sized enterprises (SMEs) has been widely recognized as a complex and multi stage process shaped by both firm specific characteristics and external environmental conditions. Early research moved beyond the view of internationalization as a one off export decision and increasingly conceptualized it as a gradual process, influenced by learning, resource accumulation, and risk perception. Within this stream, a key insight is that managers' perceptions of barriers and difficulties are often just as important as "objective" barriers themselves, because they strongly influence strategic choices regarding market selection, mode of entry, pace of expansion, and resource commitment.

Over the last decades, studies have examined why many SMEs internationalize slowly, intermittently, or not at all, despite trade liberalization and globalization. A recurring conclusion is that SMEs face a mix of internal constraints (e.g., limited managerial experience, weak organizational capabilities, scarce financial resources) and external constraints (e.g., regulatory complexity, trade barriers, institutional weaknesses, cultural and language differences, foreign competition). The way these constraints are perceived by SME managers significantly affects their willingness and ability to engage in internationalization. This has motivated a growing research interest in developing systematic ways to measure perceived barriers, including composite indexes such as the AIDI used in this article.

2. Early Work on Export Barriers and Process Phases

One important contribution in understanding perceived export barriers across different stages of internationalization is by Morgan and Katsikeas (1997). They analyze how SMEs perceive difficulties in two key phases: 1. the initiation phase, when firms attempt to enter foreign markets for the first time, and 2. the development/expansion phase, when firms seek to consolidate and extend their foreign market presence.

Their work shows that the type and intensity of perceived barriers change over time: firms at the beginning of the process tend to emphasize informational and procedural obstacles, whereas more experienced exporters focus more on competitive pressures, adaptation requirements, and resource constraints. This stage sensitive view supports the approach of this study, which restricts the empirical analysis to SMEs at early stages of internationalization (up to ten years of export experience) and explicitly interprets perceived difficulties in relation to firms' experience and maturity.

3. Internal vs External Barriers: Leonidou's Classification

A foundational and widely cited contribution to the export barrier literature is Leonidou (2004), who provides a comprehensive review and empirical analysis of the barriers constraining export development in SMEs. Leonidou proposes a typology that distinguishes between:

Internal barriers (firm level), such as: limited managerial experience and international knowledge, inadequate human and financial resources, poor export planning and control, weak product adaptation and marketing capabilities.

External barriers, including: unfavorable home country conditions (infrastructural gaps, institutional weaknesses, policy instability), host country barriers (tariffs and non-tariff barriers, foreign regulations, cultural and language differences), market specific constraints (intense competition, volatile demand, complex distribution channels).

The AIDI indicators, such as managerial capacities, standards and quality, competition, cultural and language barriers, logistics, and finance, map closely onto Leonidou's categories and confirm their relevance in the Albanian context.

4. European Policy Context and Evidence: SME Performance Review

In the European context, the European Commission's "SME Performance Review – Internationalization of SMEs" (2020) provides a major policy oriented reference. Drawing on Eurobarometer surveys, this review summarizes: the perceived obstacles, including lack of information on foreign markets, difficulties in finding

business partners, administrative burdens, cost and access to finance, and regulatory complexity. This document is important for at least two reasons in relation to this study: 1. It identifies a broadly similar set of barriers to those captured by AIDI indicator (information, finance, regulations, logistics and partners, etc.), 2. It demonstrates that perception based data on barriers can be collected at scale and used to inform EU level policies.

This article situates Albania within this wider European discussion, showing that Albanian SMEs report difficulties comparable to those of SMEs in other EU and candidate countries, but often feel them more intensely, especially in sectors such as agriculture and tourism. The AIDI can thus be seen as a country level, research oriented complement to policy tools like the SME Performance Review.

5. Digitalization, Sustainability, and New Forms of Barriers

More recent literature has started to incorporate digitalization and sustainability into the analysis of SME internationalization. Denicolai et al. (2021), using a survey of European SMEs, examine the interaction between digital technologies, international expansion, and sustainability objectives. They show that: 1. Lack of digital skills within SMEs, 2. Absence of an integrated strategic vision combining digitalization, internationalization, and sustainability, and 3. Environmental and regulatory pressures are increasingly perceived as significant barriers to successful internationalization.

These findings extend traditional barrier models by highlighting capabilities related to digital transformation as a critical dimension. This article echoes this by including items related to innovation and information technology within the indicator on standards and quality, and by noting that deficits in such capabilities are perceived as a “high” level difficulty in Albanian SMEs. As digital channels and platforms become more central to accessing foreign markets, this dimension will likely grow in importance, suggesting a possible refinement and expansion of the AIDI in future research to include more explicit digital readiness indicators.

Applying this instrument to Albanian SMEs at early stages of internationalization fills a gap in empirical evidence for a transition economy and EU candidate context. In doing so, the study not only confirms the relevance of established barriers in a specific national context, but also demonstrates how a perception based index such as the AIDI can serve as a practical analytical tool for researchers, firms, and policymakers seeking to understand and address the challenges of SME internationalization.

3. Methodology and Results

3.1 *Component indicators of the AIDI*

The index is conceptualized as a quantitative indicator whose values are calculated as the average of the values of its component indicators. The indicators are the factors perceived as causes of the difficulties accompanying the internationalization process. For listing the factors that will serve as indicators for assessing the AIDI in the case of Albanian SMEs, will be used the data published in the recent literature addressing the difficulties SMEs encounter in the internationalization process.

Below is a list of indicators that will be used to assess the index:

1 **Legal framework, policies, and regulatory framework for trade and customs**

- tariffs in Albania and in the foreign country:** Albanian legal and regulatory framework for exports, rules in foreign markets for the import of goods/services, customs tariffs.
- 2 **Lack of information:** lack of knowledge about the standards and quality requirements that Albanian products must meet in order to enter foreign markets, missing information on foreign consumers' requirements and on the dynamics of their change, lack of necessary information about foreign partners and cooperation with operators that provide logistics services.
 - 3 **Managerial capacities, skills, and experience:** missing or insufficient experience in the internationalization process of exports and in integrating products/services into global value chains, professional preparation and gaps in the continuous training of staff, managerial capacities to meet the requirements of the internationalization process on time and with quality.
 - 4 **Standards for product/service quality and safety:** necessary technological capacities and qualified staff to produce products or offer services with the quality and standards required by foreign markets, developments in innovation and the use of information technology.
 - 5 **Competition and foreign consumer requirements:** lack of a brand for the product/service, marketing of products/services, insufficient technical and technological capacities and knowledge to produce products/services in accordance with foreign consumer requirements.
 - 6 **Cultural and language barriers:** lack of foreign language skills and inability to communicate with foreign consumers and to provide services in their own language, offering products/services that match the requirements and behavior of the consumer while respecting their cultural and traditional specificities.
 - 7 **Logistics and distribution:** deficiencies in road and airport infrastructure and in public utility services such as water, energy, rural roads, etc., insufficient storage and transport capacities, lack of cooperation with specialized operators and the additional costs that such cooperation entails.
 - 8 **Financial costs:** lack of capital, financial reserves, and access/difficulties with financial institutions for export credit, Export costs.
 - 9 **Exchange rate:** Frequent movements and instability of the exchange rate of the currency in which export financial transactions are conducted.

3.2 Data

To collect the data for assessing the AIDI, a relevant questionnaire was prepared and distributed to managers/owners of SMEs. As specified in the questionnaire, for the purposes of this research, responses were requested only from SMEs that are at the beginning of the internationalization process or have been involved in this process for up to ten years. This requirement was met by 95 SMEs, of which, after preliminary verification of their responses, 89 completed questionnaires were accepted for further analysis. The calculated value of Cronbach's alpha coefficient for this information was 0.796. The information proved valid for the intended purpose.

For the quantitative assessment of the effect of each indicator on the difficulties perceived by SMEs in the internationalization process, the responses are formally the

values of a Likerttype variable measured on 5 (five) levels: from 1 (Not a problem at all) to 5 (A very serious problem). The AIDI value will be calculated as the average of the values of all its component indicators (factors) and will be converted into a value in the interval]1,100[according to the following formula:

where:

- n – number of indicators,
- k_i – number of component items of the i^{th} indicator,
- a_{ij} – Likertscale value, i.e. the quantitative perception for the j^{th} item that is part of the i^{th} indicator.

Based on the converted values of the AIDI, the level of perceived difficulty in the internationalization process will be classified according to the rule given in Table no. 1.

Table no.1: AIDI values and corresponding classification level of difficulty in the internationalization process of SMEs

AIDI Value	Difficulty level
0 - 20 points	Very low
21 - 40 points	Low
41 - 60 points	Moderate
61 - 80 points	High
81-100 points	Very high

Source: Author

3.3 Results from Albanian SMEs

3.3.1 AIDI for Albanian SMEs

Table no. 2 presents the average perception values corresponding to the components of the indicators used to assess the difficulties perceived by Albanian SMEs in the internationalization process. For each indicator, the converted average value has been calculated.

Table no. 2: Average perception values for the indicators and their components

Indicator/Components	Evaluation	
1. Legal framework, policies, and regulatory framework for trade and customs tariffs in Albania and in the foreign country		
- Albanian legal and regulatory framework for exports.	2.8	55.0
- Rules in foreign markets for the import of goods/services.	2.7	
- Customs tariffs.	4.1	
2. Lack of information		

- Lack of knowledge about the standards and quality requirements that Albanian products must meet to enter foreign markets.	3.9	69.2
- Missing information on foreign consumers' requirements and on the dynamics of their change.	3.9	
- Lack of necessary information about foreign partners and cooperation with logistics service operators.	3.5	
3. Managerial capacities, skills, and experience.		
- Missing or insufficient experience in the internationalization process of exports and in integrating products/services into the global value chain.	3.0	54.1
- Professional preparation and gaps in the continuous training of staff.	3.2	
- Managerial capacities to meet the requirements of the internationalization process on time and with quality.	3.3	
4. Standards for product/service quality and safety		
- Necessary technological capacities and qualified staff to produce products or offer services with the quality and standards required by foreign markets.	3.6	62.5
- Developments in innovation and the use of information.	3.4	
5. Competition and foreign consumer requirements		
- Lack of a brand for the product/service.	4.3	71.7
- Marketing of products/services.	3.8	
- Insufficient technical and technological capacities and knowledge to produce products/services in accordance with foreign consumer requirements.	3.5	
6. Cultural and language barriers		
- Lack of foreign language skills and inability to communicate with foreign consumers and to provide services in their own language.	3.2	58.7
- Offering products/services that match the requirements and behaviour of the consumer while respecting their cultural and traditional specificities.	3.5	
7. Logistics and distribution		
- Deficiencies in road and airport infrastructure and in public utility services such as water, energy, rural roads, etc.	3.6	60.8
- Insufficient storage and transport capacities.	3.5	
- Lack of cooperation with specialised operators and the additional costs that such cooperation entails.	3.2	
8. Financial costs		
- Lack of capital, financial reserves, and access/difficulties with financial institutions for export credit.	4.3	77.5
- Export costs.	3.9	
9. Exchange rate		
- Frequent movements and instability of the exchange rate of the currency used in export financial transactions.	3.6	65.0
AIDI	63.8	

Source: Author

Based on the results presented in Table no. 2, it can be stated that:

- The legal framework, policies and regulatory framework for trade and customs tariffs in Albania and in the foreign country are perceived as factors which, for SMEs that are entering the internationalization process or that are in the early years of this process, generate difficulties at a moderate level. The greatest effect on this perception comes from regulatory acts that determine customs tariffs, which are perceived as generating difficulties at a high level.
- The lack of information complicates the internationalization process at a high level. Managers perceive as significantly constraining factors the lack of information on the standards and quality requirements that must be met by the products their SMEs offer in the foreign market, as well as the requirements that foreign consumers have regarding the quality and safety of these products/services.
- Managerial capacities, skills and experience—particularly the capacities needed to meet the requirements of the internationalization process on time and with quality—are perceived as a factor with a moderate level of difficulty.
- The difficulties that SMEs face in securing qualified staff, and the missing skills for the use of technology and innovation as essential conditions for producing products/services that meet the requirements of foreign markets and consumers for quality and safety, are perceived at a “High” level.
- Competition in foreign markets is perceived as a difficulty at a “High” level. At the same time, managers clearly single out the difficulty associated with the internationalization process that is caused by the lack of a brand for the product/service they offer. The negative effect of this absence increases the difficulty to a “Very high” level.
- Cultural barriers and the difficulty of communicating in the language of the foreign consumer are perceived as a difficulty at a moderate level.
- Logistics and distribution, the road network—especially in rural areas—the level of public services, and the limited capacity for storage and transport are perceived as difficulties reaching a “High” level, while the difficulties generated by cooperation with operators that provide such capacities are perceived at a “Moderate” level.
- Financial costs and their coverage, as well as exchange rate fluctuations, are perceived as factors that generate “High” levels of difficulty in the internationalization process.

3.3.2 AIDI values by SMEs characteristics – size, age, export experience, ownership

The Albanian SME Internationalization Difficulties Index (AIDI) values for the SMEs in the sample, grouped by their characteristics, are given in Table no. 3.

Table no. 3: Average AIDI values

Characteristic	Number	AIDI*
		Mean ± Std. Dev.
Enterprise size		
-Micro	15	79.2±3.12 ^a
-Small	34	61.1±2.47 ^{ab}

-Medium	40	55.4±2.86 ^b
Enterprise age		
< 1 year	6	81.7±4.21 ^a
1 - 5 years	52	67.3±3.76 ^b
5 – 10 years	31	59.2±4.02 ^b
Export experience		
< 1 year	10	80.7±3.01 ^a
1-5 years	40	62.5±4.15 ^b
5-10 years	39	53.2±4.27 ^b
Ownership		
- Family owned	9	75.3±3.12 ^a
- Joint ownership with Albanians	63	62.8±3.31 ^b
- Joint ownership with foreigners	17	57.9±4.15 ^b

^aMeans with different letters differ statistically significantly at $p < 0.05$

Source: Author

Based on the results presented in Table no. 3, the values of AIDI vary depending on the characteristics of the enterprise. Micro-enterprises and family businesses perceive the difficulties in the internationalization process at a “High” level, while new enterprises and those that have been exporting for less than one year perceive these difficulties at a “Very high” level.

Perceptions of the difficulties of internationalization among enterprises with an age and export experience of 1–5 years, as well as among enterprises with Albanian joint ownership, are at a “High” level, whereas for enterprises with an age and export experience of 5–10 years and for enterprises with foreign joint ownership these difficulties are perceived at a “Moderate” level.

4. Conclusions

The study leads to several main conclusions about the internationalisation of Albanian SMEs and the usefulness of the Albanian SME Internationalization Difficulties Index (AIDI): overall difficulty level is high. The average AIDI value (63.8) shows that Albanian SMEs in the early stages of internationalisation perceive the process as “highly” difficult. Barriers are not marginal; they are a central strategic concern for most firms in the sample. Key difficulty generating factors are clearly identifiable. Across all firms, the most problematic areas are: 1. Financial constraints and export costs (highest perceived difficulty), 2. Competition and foreign consumer requirements (especially lack of brand and effective marketing), 3. Lack of information on standards, quality requirements and foreign consumer needs, 4. Standards and quality / technological capability and innovation, 5. Logistics and distribution, including infrastructure and storage/transport capacity.

Implications for policy and firm strategy:

For policymakers, the results point to priority intervention areas: enhancing credit

instruments for SMEs, strengthening export information and advisory services, supporting quality and standards upgrading, and investing in logistics and infrastructure.

For SMEs, the AIDI highlights where internal action is most needed: building brands and marketing capabilities, closing information gaps on foreign markets and standards, upgrading technology and quality systems, and forming effective partnerships for logistics and distribution.

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Abstract

The involvement of minors in criminal acts is a well-known phenomenon for Albanian society, especially in recent years. Juvenile criminality constitutes a significant challenge for contemporary criminal justice systems, requiring differentiated policies that take into account the developmental and social characteristics of this vulnerable category of society. The involvement of minors in criminal activity is the result of the interaction of individual, family and social factors, which directly influence the formation of illegal behaviors. This paper aims to analyze the status of minors as perpetrators of criminal offenses and to evaluate the effectiveness of rehabilitation policies and alternative measures applied to them, in accordance with international standards of juvenile justice. Through a doctrinal and comparative analysis of legislation, as well as a review of institutional practices, the importance of alternative measures to traditional criminal punishment is highlighted, including diversification, restorative justice and social reintegration programs. The results emphasize that rehabilitative approaches contribute significantly to reducing recidivism and promoting the social development of minors, confirming the need to strengthen preventive and rehabilitative policies in this area. In this context, the role of justice institutions, the prosecution, courts, social protection services and the defense lawyer in guaranteeing a fair and appropriate process for the age and needs of the minor is examined. The way children are treated and protected by the state is an indicator of the degree of emancipation and evolution of the child and society. The generation that is growing up today constitutes the future of a country, therefore it should be seen as a priority.

Keywords: minor of age, penal process, penal procedure.

1. Definition of the term “minor” and the current approach of Albanian legislation in this field

The term “minor” is used in different ways and fields, such as in linguistic, legal, psychological, criminological or criminal aspects. According to the definition of the Juvenile Criminal Justice Code, “minor” is considered any person under the age of 18. This legal definition is essential to understand the treatment and legal responsibilities related to minors in conflict with the law and to determine the ages that are included in the criminal justice system for minors. According to the “Convention on the Rights of the Child”, which constitutes the most widely accepted international standard, a child is understood to be any human being under the age of 18, except in cases where majority is reached earlier, in accordance with the legislation to which he is subject. While, according to the “Oxford Dictionary of Law”, the term minor refers to persons aged 10 to 17 years, who are accused or convicted of committing a criminal offense.” Juvenile criminal justice is a complex area of law that encompasses not only the issues of minors in conflict with the law but also the preventive and protective strategies offered by the state and society. The way children are treated and protected by the state is an indicator of the degree of emancipation and evolution of the state and society.¹ The involvement of minors in criminal acts is a well-known phenomenon

¹ United Nations Committee on the Rights of the Child (CRC). (1989). Convention on the Rights of the

for Albanian society, especially in recent years. Juvenile criminal justice includes procedures related to criminal offenses, including investigation, prosecution, trial, execution of sentence, any other measure involving a minor in conflict with the law, victim or witness of a criminal offense.

Juvenile delinquency refers to criminal acts committed by individuals who have not reached the age of majority. In different countries of the world, the age of majority in the criminal sense often does not coincide with the age of majority in the civil or political sense, which makes the concept of juvenile delinquency dependent on the historical and social context of each country. In accordance with this approach, a juvenile delinquent can be defined as a person who has not reached the age of majority provided for by criminal law and who commits a criminal offense.

The legal position of the minor in the criminal process is essential to understanding how justice works for this particular social category. The minor is not simply a subject of criminal law, but a developing individual, with limited capacity to fully understand the legal and social consequences of his actions. For this reason, the legislation recognizes the minor as a subject with a special status, guaranteeing him increased protection compared to adults.²

The development of the legal framework regulating the treatment of minors in Albania has reflected the changes that the country's legal and social system itself has experienced. Initially, Albanian legislation did not pay special attention to age as a determining factor in criminal responsibility, not clearly differentiating a minor from an adult.³ Over time, the legal framework has evolved towards separating criminal treatment for minors from that for adults, taking into account factors such as the psychological, social and emotional development of minors.

Legal reforms undertaken in the context of Albania's accession to the European Union and the approximation of legislation have attempted to incorporate modern principles of juvenile justice, such as rehabilitation, resocialization and protection of the best interests of the child. From a more punitive and uniform approach, the system has gradually shifted towards a more sensitive and differentiated approach, aiming not only at justice, but also at the well-being of the minor. The biggest step taken in this direction was the adoption of the Juvenile Criminal Justice Code in January 2018.⁴

The scope of application of this Code is broad and addresses any person who has not reached the age of 18 at the time of the commission of the criminal offense, including all procedures and special institutions tasked with the protection and treatment of minors in conflict with the law. It created a special legal framework that clearly differentiated it from the criminal system for adults, by defining specific measures and procedures that take into account the psychological, emotional and social development of minors.⁵ The Code privileged alternative measures to severe punishments, such as rehabilitation and resocialization programs, focusing on protecting the best interests of the child and their social integration.

The Juvenile Criminal Justice Code also strengthened procedural guarantees for Child. ⁶ Gjoka, I. (2007). Criminal Justice for Juveniles in Albania. Tirana: Academy of Sciences.

² Criminal Code of the Republic of Albania.

³ Shehu, S. (2015). Criminal Justice for Juveniles in Albania: History and Recent Developments. Tirana: University Publishing. Pg 100.

⁴ Approved by law; 37/20217

⁵ Juvenile Criminal Justice Code, Nr. 37/2017.

minors throughout the criminal process, ensuring dignified treatment and respect for their rights. In this way, the Code aimed to minimize the negative effects of punishment and provide a more humane and effective treatment that helps minors develop in society.⁶

In this way, the Juvenile Criminal Justice Code represents an important progress towards the modernization and humanization of criminal justice in Albania⁷, minimizing the negative effects of punishment and promoting opportunities for rehabilitation and social reintegration of juveniles⁸.

2. The legal position of the minor in the criminal process

The legal position of the minor in the criminal process is essential to understanding how justice works for this particular social category. The minor is not simply a subject of criminal law, but a developing individual, with limited capacity to fully understand the legal and social consequences of his actions. For this reason, the legislation recognizes the minor as a subject with a special status, guaranteeing him increased protection compared to adults.⁹

In criminal proceedings, the responsibility of a minor is not assessed solely on the basis of the act committed, but also by taking into account his age, level of maturity, family circumstances, social environment and factors that have influenced his behavior. This means that the criminal process has not only a legal dimension, but also a social and psychological one. The court and other justice bodies must analyze not only the violation of the law, but also the context in which it occurred.

The minor has the right to be informed in an understandable manner about the accusation against him, about his rights and about the possible consequences of the criminal proceedings. This right is not merely formal, but requires that the language and manner of communication be adapted to the child's level of understanding. In this way, the minor becomes a real participant in the process and not simply its object.¹⁰ The legal status of a minor is also closely linked to the right to effective legal protection. A minor cannot face the criminal justice system without the assistance of a lawyer and without the support of a legal representative. This is necessary to guarantee equality of arms and to prevent any form of pressure or violation of his or her rights.

Another important element of the legal status of a minor is the principle of the best interests of the child.¹¹ This principle requires that every decision taken during the criminal process should aim to protect the physical, mental and social development of the minor. This means that even when the minor has committed a criminal offence, he should not be treated as a risk to be isolated, but as a person in need of guidance, support and correction.¹² This principle is enshrined in the Convention on the Rights of the Child¹³ (article 3) as well as in the Juvenile Criminal Justice Code (article 10).

⁶ Dr.Jola Bode "the minor and the Criminal Code".

⁷ Dritan.Peka (PhD Thesis), "The minor in the criminal process as the perpetrator of the criminal offense".

⁸ Goldson, B. & Muncie, J. (2006). Youth Crime and Justice (Academic book) pg.38.

⁹ Criminal Code of the Republic of Albania.

¹⁰ Criminal Procedure Code of the Republic of Albania.

¹¹ Article 10, Law 37/2017 "Code of Criminal Justice for minors".

¹² Constitution of the Republic of Albania.

¹³ UNICEF. (2020). Analysis of the juvenile justice system in Albania..

The principle of equality before the law and non-discrimination is also presented as one of the most important principles, guaranteeing the same and equal protection for minors without regard to any distinction based on sex, race, color, language, religion, political or other opinion, national or social origin, economic status, disability, birth or any other personal or family status.¹⁴

In the context of juvenile criminal justice, the application of the principle of non-discrimination means that preventive measures, investigative and punitive processes are impartial, based on the individual needs and circumstances of the child and not on stereotypes or prejudices related to gender, ethnicity, social status or any other distinction. According to the UN Convention¹⁵ States Parties shall respect and ensure all the rights set forth in the present Convention to each child within their jurisdiction, without discrimination of any kind, and shall take appropriate measures to ensure that the child is protected from all forms of punishment or discrimination on the basis of the status of parents or legal guardians.

3. Procedural guarantees and protection of minors

The 1989 Convention on the Rights of the Child, in particular Article 40, stresses the importance of treating the juvenile in a manner that promotes a sense of dignity and personal worth, as well as his rehabilitation and active reintegration into society. In this context, the principle of proportionality is not only related to the type of punishment, but to the entire approach that the penal system follows towards the juvenile, placing the emphasis on resocialization instead of punishment. Proportionality is fundamental to avoid repressive approaches towards juveniles, by orienting the penal intervention towards educational and restorative goals. Here we must underline the importance of taking into account the juvenile's life history, socio-economic and psychological factors, as well as the level of moral maturity.

In this sense, the legal position of the juvenile in the criminal process represents a balance between the need to enforce the law and the obligation to protect the child. This balance is essential to ensure that justice does not harm his future, but contributes to his formation as a responsible member of society.

Minor in conflict with the law¹⁶ enjoys the rights provided for in the Code of Criminal Procedure as well as the special rights provided for in the Code of Criminal Justice for Minors.

The minor has the right to special protection and procedures¹⁷ The minor has the right to special protection and procedures at all stages of the juvenile criminal justice process. At each stage of criminal proceedings, the minor in conflict with the law enjoys a series of special rights, which aim to guarantee a fair, humane process adapted to his age and psychological development.¹⁸

¹⁴ Literature, The minor and the criminal process Dr.Jola Xhafo. pg.64.

¹⁵ UN Organization. (1989). Convention on the Rights of the Child. <https://www.unicef.org/child-rights-convention>. Convention on the Rights of the Child. Article 2.

¹⁶ Albanian Parliament. (2017). Juvenile Criminal Justice Code (Law nr. 37/2017).

¹⁷ United Nations. (1989). Convention on the Rights of the Child.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

¹⁸ Terre des hommes & UNICEF Albania. (2015). Juvenile Justice in Albania: Practices and Challenges. Tirana Juvenile Criminal Justice Code, articles 19 et seq.

One of the most important guarantees is the right to legal representation. The minor must have a lawyer from the first moment of involvement in the procedure, to ensure that his rights are respected and that he does not make decisions harmful to himself due to a lack of legal knowledge. The presence of a legal representative is essential to balance the position of the minor with respect to state bodies.¹⁹

Equally important is the presence of a parent or legal guardian, who provides emotional support and helps the minor understand the situation in which he or she finds himself or herself. This helps the minor not to feel alone in the face of the authorities and makes the process fairer and more humane.

The manner in which the procedure is conducted is another key element of protection. The questioning of the minor should take place in appropriate settings, in a non-threatening atmosphere and by persons trained to communicate with children. The language used should be simple and understandable, so that the minor can freely express his or her version of the event without fear or pressure.²⁰

The process should also be carried out with reasonable speed, to avoid unnecessary delays that could create anxiety and uncertainty for the minor. Prolonging the procedure may have negative consequences for his development and social integration. In essence, procedural guarantees and the protection of minors aim to ensure that criminal justice is not a traumatic experience, but a controlled, fair process oriented towards the well-being and future of the child.²¹

4. Penal measures and alternatives to punishment

In the juvenile justice system, the primary purpose of measures imposed on juveniles is not severe punishment, but rather the correction of their behavior and the assistance in returning them to a healthy path of development. Due to their age and immaturity, juveniles are considered more capable of rehabilitation than punishment. This necessitates the use of measures that are educational, social and supportive in nature.²²

For the first time, the Criminal Justice Code for minors provided for the avoidance of criminal prosecution and punishment. These measures aim to help minors continue their education or continue professional courses, to be included in re-education and rehabilitation programs, to return to family and society to continue a healthy and safe life. The legislator provides for precisely these measures because imprisonment has serious consequences on the physical, psychological and emotional development of everyone and even more so for minors.

Criminal measures against minors must always be proportional to the offense committed and adapted to their personality and needs. Unlike adults, forms of treatment are provided for minors that aim to avoid isolation from society and the education system. These measures include counseling, supervision by social services, the obligation to attend educational programs or involvement in community activities. Alternatives to imprisonment occupy a special place in juvenile criminal justice.

¹⁹ Constitution of the Republic of Albania.

²⁰ Islami, H. Juvenile Criminal Law. Tirana.

²¹ Elezi, I. Criminal Law. General part. Tirana.

²² Criminal Procedure Code of the Republic of Albania.

Imprisonment is considered a measure of last resort and is used only in serious cases, when there are no other means to ensure public safety or to help the juvenile. Isolating a child from his family and natural environment can have serious psychological and social consequences, increasing the risk of exclusion and repetition of criminal behavior.

Alternative measures create the opportunity for the juvenile to take responsibility for his actions without being separated from everyday life. They help him understand the consequences of wrong behavior and build skills to make better decisions in the future. This approach serves not only the interest of the juvenile, but also the interest of society, as it reduces the risk of long-term criminality.

In this sense, criminal measures for juveniles should not be seen as means of punishment, but as instruments for education, rehabilitation and personal development.

5. Social reintegration and prevention of recidivism

According to the Juvenile Criminal Justice Code, resocialization or rehabilitation is the encouragement and development, in terms of the juvenile's responsibility, of a sense of respect for the rights of others, to promote and enable the healthy physical, mental, spiritual, moral and social development of the juvenile and to prepare him or her to return to society.²³

Social reintegration is one of the main goals of juvenile criminal justice. After the conclusion of criminal proceedings, the juvenile should not be left isolated, but should be actively supported to return to the family, school and community. This process is essential to prevent the recurrence of criminal behavior and to ensure that the juvenile develops as a responsible individual and integrated into society.²⁴

To achieve this, cooperation between justice institutions, social services and the family is essential. Social services can provide supervision, counselling, educational programmes and activities that stimulate the personal and social development of the minor. Education and participation in community activities help build self-esteem and a sense of responsibility, reducing the risk of relapse into harmful behaviour.

Preventing recidivism also requires attention to the factors that have contributed to the minor's involvement in criminal acts. This includes analysing family, social and economic conditions, and intervening to provide specific support, such as psychological counselling, educational support or professional development. By addressing these factors, the chances of the minor building a healthy and integrated life increase significantly.²⁵

In this way, juvenile criminal justice is not limited to law enforcement, but serves as a tool for protecting the child's development, promoting reintegration and preventing future criminality. The focus on the reintegration and education of the juvenile ensures that he has the opportunity to build a successful and productive future in society, transforming the negative experience of criminal proceedings into an educational and

²³ Juvenile Criminal Justice Code, Article 3, Point 21.

²⁴ Elezi, I. Criminal law. General part. Tirana.

²⁵ Constitution of the Republic of Albania.

rehabilitative process.²⁶

The advantages of the rehabilitation and reintegration program for minors and society²⁷ affect the long-term transformation of the minor's behavior, focusing on his personal development and harmonization with the rules of society, here we will mention²⁸: Improving behavior and social skills, reintegrating juveniles into society, reducing recidivism, raising awareness and social tolerance, and increasing public safety.

6. Conclusion

The treatment of minors in the criminal process requires a special approach that reflects their sensitivity, immaturity and developmental needs. From the analysis of the main issues, it is clear that the minor cannot be considered simply as a subject of criminal responsibility, but as an individual in formation, for whom justice should have a protective, educational and rehabilitative role. From the study of the legislation and the factual situation presented in our law enforcement institutions, this paper reaches the following conclusions and recommendations

- Strengthening alternative measures to imprisonment.

Justice institutions should expand and more widely implement alternative measures, such as community service, suspension of sentence execution and rehabilitation programs, especially for criminal offenses with low social risk and for minors.

- Effective implementation of restorative justice

The use of criminal mediation and restorative mechanisms should be promoted, with the aim of repairing damage, restoring social relations and holding the perpetrator accountable, including the victim and the community in the process.

- Specialization of criminal justice actors

There is a need to increase the level of training and specialization of judges, prosecutors, police officers and social workers, especially in dealing with cases involving minors and vulnerable groups.

- Strengthening inter-institutional cooperation

Criminal justice requires close cooperation between courts, prosecutors, social services, educational institutions and non-governmental organizations to ensure the effective rehabilitation and reintegration of persons in conflict with the law.

- Developing preventive policies

The state should invest in long-term preventive policies, aiming to reduce the factors that lead to criminality, such as poverty, school dropout and domestic violence, through social and educational programs.

- Continuous monitoring and evaluation of penal reforms

Criminal justice reforms should be accompanied by monitoring mechanisms and empirical analysis, to assess their effectiveness and to guarantee compliance with European human rights standards.

²⁶ Omari, L. Constitutional Law. Tirana..

²⁷ The needs of minors in conflict with the law and the adaptation of the rehabilitation program, Center for the Prevention of Crimes of Minors and Youth, Tirana 2023. Page 9.

²⁸ Bonta, J. Implementing Effective Correctional Rehabilitation and Reintegration: Insights from International Practice. Routledge, year 2018, pp 47 - 64.

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Emotion as a key factor in foreign language learning. The case of Spanish as foreign language in Albania

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Abstract

Entering in the auditorium does not mean teaching only the subjects included in the curriculum. Emotions and feelings of students play a crucial role throughout the entire learning process. This is when emotional education appears on stage, helping to understand the emotions, express them, and, above all, manage them effectively.

In this paper, we will examine the importance of emotions as a key factor in foreign language learning. Through a questionnaire, we will present the opinions and experiences of students who learn Spanish as a foreign language, highlighting how do emotions affect the learning process.

We will also present the role of the professor not only as a transmitter of knowledge but also as an emotional leader for their students. By recognizing and experiencing emotion in teaching, a professor is able to understand and recognize the emotions of his students during the learning process.

Learning a foreign language brings not only curiosity but also a certain emotional state that is often expressed as anxiety to reach the target language level. This is why, it is important for students to receive emotional support in order to be able to express and develop their knowledge. In this context, the role of the professor is considered the keynote of the learning process.

Keywords: emotions, learning process, foreign language, Spanish, professor's role.

Introduction

Learning a foreign language brings not only curiosity but also a certain emotional state that is often expressed as anxiety to reach the foreign language level. Firmly, learning Spanish, as one of the most popularly language spoken and studied in the world, may be associated with various emotional experiences. Emotional elements are essential in human relationships, and even more so in our work as professors and with students. We must remember that people work better when they feel better. Some important role play feelings like fear of making mistakes, motivation, anxiety, self-confidence in how students learn a foreign language and its grammatical structures and communicative abilities. This is why, it is fundamental for students to receive emotional support in order to be able to express and develop their learning knowledge. In this way, the role of the professor is considered the keynote of the learning process.

In this paper, we will examine the importance of emotions as a key factor in foreign language learning. Through a questionnaire, we will present the opinions and experiences of students who learn Spanish as a foreign language, highlighting how do emotions affect the learning process.

In this paper we will also describe and analyze how emotions influence the

development of basic language skills (listening, speaking, reading, and writing). Emotions are considered as a filter or a catalyst that can improve or block the assimilation of grammatical and lexical structures.

This paper is based on quantitative and qualitative methods. These methods analyze the role of emotions as a fundamental factor in the process of teaching a foreign language. The study was concentrated with a specific group of students who follow foreign language learning, specifically that of Spanish, with the aim of identifying the impact of emotional factors, such as anxiety, motivation, self-confidence and emotional security, on their performance and participation in the classroom. Data were collected through research instruments, such as questionnaires with rating scales and semi-structured interviews, enabling a complete analysis in both statistical and interpretive terms. This methodological approach aims to provide a further understanding of the relationship between the emotional dimension and the effectiveness of the foreign language learning process. The paper aims to contribute to the theoretical and practical deepening of the role that emotional factors play in building communicative competence in a foreign language, as well as in improving pedagogical practices.

We will also present the role of the professor not only as a transmitter of knowledge but also as an emotional leader for their students. By recognizing and experiencing emotion in teaching, a professor is able to understand and recognize the emotions of his students during the learning process.

2. Emotions and their importance in the foreign language auditorium

Etymologically, the word “emotion” comes from the Latin *ex* – outside, *motio* – movement. Plutchik, Robert (1980). It is a nervous impulse that causes an organism to act. Therefore, it is considered an internal and involuntary mental state that is often accompanied by physiological changes²⁹. Emotions are important because they are related to our needs, they make us understand the degree of perception and also whether we are on the right track in relation to our needs, with what we want to achieve.

Emotions in the auditorium can be considered as a survival mechanism in learning. In teaching, is required not only the transmission of academic knowledge, but also the development of the individual as a whole. Emotional education in this context, has emerged as a fundamental component, especially in the context of language classes. When we enter in a foreign language auditorium we notice immediately feeling such as frustration, insecurity and fear. “Anxiety is the subjective feeling of tension, apprehension, nervousness, and worry”. (Horwitz et al.,1986)³⁰. Our objective as professors should be to reduce these feelings. To make the auditorium as comfort as possible place for studying a foreign language.

Nowadays learning a foreign language means learning and understanding new cultures, interacting with others, and managing emotions that can appear during the communication process, often full of difficulties. We are not talking only about memorizing grammar or vocabulary, but also we are talking about incorporating

²⁹ Plutchik, R. (1980). “Emotion: A psychoevolutionary synthesis”. New York: Harper & Row.

³⁰ Horwitz, E.K., M.B. Horwitz y J.A. Cope, 1986: “Foreign language classroom anxiety”. The Modern Language Journal, 70, 125-132.

emotional intelligence into foreign or native language teaching. This fact may increase academic performance, improves communication skills.

According to Pedro M^a Uruñuela (2019): Emotional intelligence is the ability to identify, recognize, understand and regulate our own emotions and those of others. In other words, it is about learning to look beyond ourselves and our students' behavior, beyond their conformity to existing rules and social expectations for appropriate behavior in school. It is about understanding the underlying reasons behind certain behaviors. Developing emotional intelligence involves strengthening our ability to harmonize emotional and cognitive processes, to care for, understand, manage and express our emotions, in order to ensure that our interpersonal relationships are effective and productive, with positive consequences for ourselves, others and the environment³¹.

The foreign language auditorium is an important place for emotional development. Working with the emotions in auditorium is fundamental for an effective teaching. When faced with a new language, students experience fear of mistakes, frustration from difficulty and anxiety when speaking in front of the group. If we do not take in consideration these emotional barriers reduce the quality of teaching. Therefore, emotional education should be included in all subjects, using language activities as a tool to explore and regulate feelings.

3. The professor as an emotional leader in student learning

We do not always consider or pay attention to the needs of our students. Every day we are faced with different natures of students, which means that their emotional perceptions are also very different.

Today's advanced teaching goes beyond the simple transmission of academic knowledge. In the complex framework of student development, the professor appears not only as a subject instructor, but essentially as an emotional leader. This role is important for creating a safe, motivating and quality learning environment. The professor's emotional leadership affects directly the student's self-perception, affects also his resilience while facing failure and his ability to interact positively with peers and with the learning material the student will review.

According Daniel Goleman (1995), emotional leadership is based on emotional intelligence. This concept includes self-awareness, self-correction, motivation, empathy, and social skills³². Self-awareness for the professor, involves recognizing his own emotional states and how they affect the auditorium. A professor who manages his own frustration or impatience shows healthy emotional management for his students. We can say that self-control enables us to remain calm and fair even in stressful situations, sending a clear message that emotional control is possible and necessary.

Internal motivation is an area where the emotionally leading professor exerts a profound influence. Learning gets stuck when the student perceives the task as an external obligation or a means to obtain a diploma. A successful professor transforms

³¹ Uruñuela, P. M^a. (2019), "La gestión del aula. Todo lo que me hubiera gustado saber cuándo empecé a dar clase", Narcea, S, A. Ediciones, Madrid, pp. 125.

³² Goleman, D., (1995), "Inteligencia emocional". Barcelona, España: Kairós.

the subject into a challenge, connecting the content to students' interests and real-world experiences. Through development and striving for excellence, he encourages a successful mindset, that is a key concept introduced by Carol Dweck (2006). When a professor celebrates the process of overcoming a complex math problem, rather than simply applauding the correct answer, he or she helps students to understand that persistence strengthens their thinking skills³³.

The professor's social skills are seen through their ability to manage complex group dynamics. Emotional leadership is directed not only towards the individual, but also towards the spirit of the group. In fact, a professor who actively encourages cooperation, resolves interpersonal conflicts fairly and models mutual respect, in parallel teaches social skills for life. By mediating a disagreement between students about a project, for example, he can use the situation to teach them active listening as language exercises where listening skills are practiced. Students negotiate and argue over audio material. They also manage to develop communication and be tolerant and reflexive the opinions and solutions of the language exercises they analyze.

Of course, being a successful leader is not easy. The scientific workload of the professor and the pressure to fulfill strict curricula often consume the time and energy necessary for a calm and positive emotional spirit. Professors are human beings who face stress and fatigue. This is why, continuous training in emotional intelligence and institutional support for the well-being of professors should be prerequisites for them to fully exercise their role as emotional leaders.

We can say that the professor as an emotional leader is the key to the long-term success of the student. His influence goes beyond quarterly grades; he shapes himself. Consequently, before entering to the auditorium we can ask ourselves the following questions: How can I be a stimulator of successful achievements for my students? Am I capable of managing and perceiving the emotions of students in such a way that they consider me an emotional expert?

4. The influence of emotions on language skills in Spanish as a foreign language

Learning a second language, such as Spanish, is a complex undertaking that involves social and emotional factors. During the teaching process we should consider the influence of emotions in the development of the language skills (listening, speaking, reading and writing) that are indispensable.

One of the main areas where emotional education is evident, is the management of language anxiety. Regarding the reading skills, we can say that the student is directly involved in the emotions of fear, embarrassment about how he will pronounce words and sentences in a foreign language, specifically in Spanish. Will he use the accent correctly? Because as we know that in the Spanish language there are infinitely many words that have accents not only in writing but also in speech. Will he give the right intonation to the sentences? Often, intonation is misinterpreted during the reading process. For example, an affirmative sentence can be read as an imperative sentence. E.g.: *Debes trabajar más para tener éxito.* (You must work harder to succeed). We know that the verb "*deber*" (must) has an imperative connotation. Or a dubitative sentence can be interpreted as an affirmative sentence e.g.: *No creo que venga.* Or an interrogative

³³ Dweck, C. S., (2006), *Mindset: "The new psychology of success"*. New York, NY: Random House.

sentence can have an imperative connotation: e.g.: *¿Quieres llamar?*

A student's emotional state directly affects their ability to participate in oral communication activities. According to Dale Carnegie (2018)³⁴ a student who experiences language anxiety, often called "speech anxiety," tends to avoid situations that require oral production. This anxiety may manifest as a fear of being ridiculed, a fear of making grammatical errors, or a concern about being misunderstood. For example, a student who feels pressured during a free conversation activity in Spanish may experience a mental block, making the vocabulary they already know well be full of gaps. Instead of expressing complex ideas, they may use simple structures or, worse, remain silent. The emotion of anxiety limits the practice needed to learn grammar. It may avoid the use of complex structures for fear of not being expressed correctly.

According to Horwitz and Cope (1986) "Anxiety reduces opportunities for practice, which is essential for language acquisition." This is the case when students have to practice the subjunctive (that often generates grammatical uncertainty), he may choose to use simpler and more confident phrases in indicative even if the context calls for expressing doubt or desire. A student who is anxious prefers to use the present tense of the indicative "*Creo que viene hoy*" (I think he comes today) instead of the present tense of the subjunctive "*Dudo que venga hoy*" (I doubt he comes today) thus limiting the correct use of the verb.

On the other hand, when a student feels safe and valued in auditorium, he takes risks and use new structures or a more advanced vocabulary, he is secure and sometimes use them on an unconsciously way. The joy that comes from communicative success, even with small errors, positively reinforces learning. For example, when learning the difference between "*hay*" and "*está*", a motivated student will dare to use both forms in different contexts, accepting correction as part of the process. The emotional satisfaction that results from this successful interaction reinforces the correct use of verb tenses and their concordance in gender and number, making learning enjoyable as a process and certainly a personal achievement.

Regarding the listening skills, for example, if a student perceives the native speaker's accent as intimidating or threatening (a negative emotional response), his ability to decode phonemes and syntactic structures is significantly reduced. But, if the content of what he hears increases interest, the vocabulary memorization and idiomatic expressions is greater. A clear example is the learning of colloquial expressions that are used naturally in oral Spanish, in the everyday communication.

The student discovers a funny or a common phrase for his cultural context. For examples: "*costar un ojo de la cara*" (to cost an arm and a leg), " *echar una mano*" (to help somebody), "*estar en las nubes*" (to be daydreaming), "*ser un pan comido*" (to be easy), etc. In this case the emotional charge associated with that discovery facilitates its acquisition much more easily than the simple repetition of the audio material he hears. If a student likes a Spanish song, he will unconsciously process structures such as the use of clitic pronouns "*se lo dijo*" or relative clauses, simply because his interest overcomes the initial resistance to the grammatical difficulty. On the other hand, tiredness or frustration with a very difficult text can lead to a renunciation, causing

³⁴ Carnegie D. (2018), "The Art of Public Speaking, The original Tool for Improving Public Oration", Clydesdale Press

the learner to ignore morphological details, for example, not paying attention to the position of adverbs or the function of adverbial phrases.

Motivation is the main stimulator of long-term learning. Internal motivation, that which arises from the inherent pleasure of the process of learning Spanish, generates persistence against difficulties.³⁵ If a student loves Hispanic culture or considers the difficulty of the language a stimulating intellectual challenge, he is less likely to give up when faced with conjugating irregular verbs.

On the contrary we can say that, demotivation, leads to a poor performance often associated with feelings of frustration or boredom. A student who perceives that the effort he has put into learning the imperfect past tense versus the simple past tense does not quickly produce visible results may feel frustrated and reduce his commitment to practical tasks.

Regarding the writing skill, we can mention writing essays and various letters, which allows students to express themselves freely, which motivates linguistic processing or reproduction through this linguistic process. In our work as professors we have noticed that students try to find the most correct words and expressions to present the topic they are working on as accurately as possible, when writing about a personal experience. For example, to describe deep sadness, they will need to use more specific adjectives and complex comparative structures than if they were simply describing an object. Writing, as a productive skill, is particularly sensitive to negative emotions related to self-evaluation. Insecurity about orthography or syntax can block inspiration during the writing process. A student who constantly doubts whether to use "*por qué*", "*porque*", "*porqué*" tends to simplify his sentences or use the passive voice because he is afraid of failing in the active conjugation. The need for perfection, driven by emotional perfection, block the ability to construct coherent paragraphs.

To integrate effectively emotions in Spanish as a Foreign Language, pedagogical methods should include also activities that manage anxiety and promote positive emotions. To reduce perceived risk, professors should use techniques, such as working in pairs or small groups before a plenary presentation, help reduce anxiety about speaking. When our students use original materials that are in the interests of students, such as music or discussions about social issues that are relevant to them, increases the interest and attention. Some examples we can mention are: analyzing the text of a Latin song about the heart matters can be an excellent way to practice past tenses and affective vocabulary in a meaningful way; practicing activities such as role-playing, where students have to resolve a conflict (for example, organizing a trip by detailing it), forces participants to identify and manage nervousness or impatience if a partner does not follow the script or does not have the necessary vocabulary.

The professor, in this case, acts as an emotional mediator, modeling constructive responses such as calmly seeking clarification or reformulating patiently an idea.

5. Questionnaire: The influence of emotional factors in learning Spanish as a foreign language. Analysis and results

This questionnaire aims to analyze the influence of emotional factors (motivation, anxiety, self-confidence and positive/negative emotions) on the process of learning

³⁵ Dörnyei, Z. (2001). On the experience of language learning. In Z. Dörnyei & R. Schmidt (Eds.), *Motivation and Second Language Acquisition* (pp. 1-20). Kluwer Academic Publishers.

Spanish as a foreign language. The data collected will be used for academic purposes only and are completely anonymous. For each question, it is presented on a Likert scale from 1 to 5 where the following are listed: 1. Disagree; 2. Sufficient; 3. Neutral; 4. Agree; 5. Completely agree.

Section A – Student data as study sample

1. Gender: F M

2. Age: _____

3. Level language (according to Common European Framework of Reference for Languages, CEFR):

A1 A2 B1 B2 C1 C2

Section B – Emotions and motivation

4. I feel motivated to learn Spanish.

1 _ 2 _ 3 _ 4 _ 5 _

5. Language anxiety affects negatively my ability to communicate in Spanish.

1 _ 2 _ 3 _ 4 _ 5 _

6. Fear of making mistakes prevents my active participation during Spanish classes.

1 _ 2 _ 3 _ 4 _ 5 _

7. A supportive learning environment increases my confidence in using the Spanish language.

1 _ 2 _ 3 _ 4 _ 5 _

8. Positive emotions (e.g., pleasure, enthusiasm) facilitate the process of learning Spanish.

1 _ 2 _ 3 _ 4 _ 5 _

9. Stress during assessments or oral activities affects negatively my language performance.

1 _ 2 _ 3 _ 4 _ 5 _

Section C– Personal experiences and perceptions

10. Which of the emotions factors do you think has the most impact on your Spanish language learning ?

Motivation

Anxiety

self-confidence

Positives emotions

Negative emotions

11. In which situations do you experience the highest level of language anxiety?

Oral communication in class

Individual presentations

Interaction with native speakers

Tests / exams

I do not experience significant anxiety

12. How would you rate the influence of emotions on your success in learning Spanish?

Very low Low Average High Very high

13.

Section D – The role of the professor in teaching Spanish

14. The professor creates a safe and supportive learning environment during Spanish classes.

1 _ 2 _ 3 _ 4 _ 5 _

15. The professor's approach helps me reduce anxiety during oral communication in Spanish.

1 _ 2 _ 3 _ 4 _ 5 _

16. The professor encourages active participation and normalizes mistakes as part of the learning process.

1 _ 2 _ 3 _ 4 _ 5 _

17. The professor's reaction and feedback contributes to increasing my language confidence. 1 _ 2 _ 3 _ 4 _ 5 _

18. The professor uses strategies that promote a positive emotional climate in the auditorium.

1 _ 2 _ 3 _ 4 _ 5 _

Section E – Open questions

19. Describe an emotional experience that has significantly influenced your Spanish language learning process.

20. In your opinion, what pedagogical strategies can contribute to reducing anxiety and increasing motivation in students?

21. In your experience, what qualities or practices of a Spanish language professor influence most your emotional and academic experience during class?

a. Analysis and results of the questionnaire.

This questionnaire aimed to analyze the influence of emotional factors (motivation, anxiety, self-confidence and positive/negative emotions) on the process of learning Spanish as a foreign language. It was organized into several sections divided into specific topics in order to orient better the students:

Section A – Student data as study sample

In the study participated 65 students, age 18-20 years, 66% female and 34 % male, studying Spanish as foreign language at the Faculty of Foreign Languages in Tirana, Albania, in the period 2024-2025. Level language (CEFR, 2001): A1–A2: 50%; B1–B2: 35%; C1–C2: 15%

Section B – Emotions and motivation

The results show that motivation is the strongest emotional factor in learning Spanish.

- 80% of students agreed with the sentence "I feel motivated to learn Spanish".
- 75% confirmed that positive emotions (pleasure, enthusiasm) facilitate the learning process.
- 55% confirmed fear of making mistakes prevents their active participation during Spanish classes.

These results suggest that positive emotions act as a motivating factor in language

acquisition. But also the fear of making mistakes is very present in the auditorium.

Section C – Personal experiences and perceptions

Language anxiety turns out to be a significant inhibiting factor.

- 70 % of students stated that anxiety negatively affects oral communication.
- 65 % agreed that the fear of making mistakes hinders active participation in class.

The situations that cause the highest anxiety were:

- a) Individual presentations: 43%
- b) Oral communication in class: 32%
- c) Tests/exams: 25%

These data are consistent with the concept of “language anxiety”, which directly affects student performance.

- 84% of students assessed the impact of emotions on their success as “high” or “very high”.
- Only 16% considered the emotional impact as low.

We can say that students are aware of the central role of emotions in learning Spanish.

Section D – The role of the professor in teaching Spanish

- 85% of students confirmed that a supportive environment from the teacher increases their self-confidence.

This shows that the role of the teacher and the emotional climate in the language auditorium are key determinants in the learning process.

Section E – Open questions

From the analysis of open-ended questions, we are highlighting some observations of the students:

- One of the most emotional experiences that has significantly influenced my process of learning Spanish was:

- Speaking for the first time with a native speaker from Spain. Until then, the learning process had been mainly theoretical – books, grammar exercises and recorded listening. However, when being in front of a real conversation, appear a mixture of emotions: fear, uncertainty, but also enthusiasm. At first, they had difficulty expressing their self. They were afraid of making mistakes or that would not be understood. When managed to have a simple conversation without pausing too much, they felt a strong sense of pride and self-confidence.
- Watching a movie in the original language. At first, they had difficulty listening because of speaking very quickly, but as they watched, they realized that they were able to understand the dialogues. They felt a kind of joy and surprise when they understood the jokes and emotions of the characters directly. From that moment on, they realized that learning a language is not only a grammatical exercise, but also a cultural and emotional experience.

- In your opinion, what pedagogical strategies can contribute to reducing anxiety and increasing motivation in students?

- Friendly conversations in the relationship professor-student by exchanging personal experiences.

- Building the objectives that they want to achieve in a foreign language and adapting language activities according to the language level. This is because sometimes professors go beyond the student's language level by giving exercises that do not correspond that language level.
- When they get involved in selecting topics according to their interests.
- According to your experience, what qualities or practices of a Spanish language professor influence most your emotional and academic experience?
- When the professor encourages students about their progress.
- When the professor is clear, using linguistic examples and practices repetitions to reinforce knowledge. It often happens that the time is not enough and students find their selves directly facing the final exam. This increases the anxiety and uncertainty on their final achievements.

b. Summary of results

Overall, the results show that:

a. Positive emotions

From the results we can say that the high level of motivation of students to learn Spanish is one of the most significant findings of this study. This means that motivation is very important in language progress. Students confirmed that positive emotions, during the Spanish classes, such as pleasure and enthusiasm, facilitate the learning process, improving concentration and the acquisition of language structures. In the context of Spanish, which is characterized by continuous communication and oral interaction, motivation takes on even greater importance.

b. Language Anxiety and Fear of Errors

The results show that language anxiety remains a significant inhibitory factor, especially in situations that require oral communication, such as individual presentations and classroom interaction. A significant percentage of students reported that fear of errors affects negatively their willingness to speak, they avoid the active participation.

These findings are consistent with the concept of *language anxiety*, Stephen D. Krashen (1981) which according to the scientific literature can reduce language performance and slow down language acquisition. In this context, the results of the study support Krashen's *affective filter* theory, according to which negative emotions increase the affective filter and inhibit the linguistic input necessary for effective learning.³⁶

c. Learning environment and self-confidence

Another important finding is related to the role of the learning environment and the professor in creating a positive emotional climate. Students confirmed that a supportive and encouraging environment affects directly their self-confidence in using the Spanish language.

This means that the professor has a key role not only in transmitting linguistic knowledge, but also in managing emotional factors that affect learning.

³⁶ Krashen, S. D. (1981), "Second Language Acquisition and Second Language Learning", Oxford UK. & c. Pergamon Press,

d. Students' overall perception of the influence of emotions

Students' overall assessment of the influence of emotions on their success in learning Spanish was mainly positive, but there were also students who needed encouragement during the learning process. Linguistic insecurity is an element that should fade over time. Students are aware of the connection between emotional state and their language achievements, considering emotion as a part that should be included during the learning process.

These results highlight the need for a more comprehensive approach to foreign language learning, where besides to cognitive aspects, special attention is also given to the emotional dimension.

6. Conclusion

The objective of this research has been to understand the keys to emotions in the Spanish classroom, as well as to learn more about the linguistic emotions experienced by our students.

We can say that the integration of emotional education in foreign language auditorium transforms the learning experience. Emotional elements are indispensable in human relationships and even more so in our work as professors. Emotion goes beyond simple means of communication, creating a safe environment where mistakes are accepted, empathy is actively practiced and anxiety is managed with concrete strategies such as: through visualization to reduce fear in the auditorium, text analysis to promote cultural empathy, collaborative error correction.

In the paper we commented that the foreign language auditorium is an important place for emotional development. When faced with a new language, students experience fear of mistakes, frustration from difficulty and anxiety when speaking in front of their peers. If we do not take in consideration these emotional barriers reduce the quality of teaching. Therefore, emotional education should be included in all subjects, using language activities as a tool to explore and regulate feelings.

We mention that the emotions are active components that determine the quality and speed with which language skills and grammatical rules are integrated. Anxiety and fear limit the exploration of complex structures, forcing the learner to find refuge in familiar but limited linguistic forms. Professors should be aware of this intrinsic connection, designing learning environments that alleviate the fear of making mistakes and increase opportunities for communicative experiences.

The paper also emphasized that in order to promote student resilience, it is important to reduce language anxiety by including activities that are directly related to the student's personal experiences, as emotional involvement increases their engagement in the classroom and significantly facilitates the acquisition of the target language. Language activities where we encounter emotional involvement are: role-play in small groups; group presentations rather than individual ones have been shown to increase the student's sense of security; thematic projects such as videos, building a thematic blog, posters with a cultural theme on the target language, etc.

In my opinion we must understand and comprehend emotions in our work as professors. Learning is a process that involves both our minds and our emotions. If

we focus on our cognitive abilities, we will improve our learning. But if we recognize and cultivate certain emotions, especially those linked to well-being, we will also enhance our own learning and that of our students.

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Key indicators of corporate sustainability: A framework for measuring and managing sustainable corporate performance

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Abstract

In the context of increasing global attention to sustainable development, corporations are expected to integrate sustainability principles into their strategies and operational practices. Sustainability indicators represent an essential instrument for measuring, monitoring and evaluating corporate environmental, social and governance performance. This paper examines the main indicators used to assess corporate sustainability and their role in guiding strategic decision-making and improving corporate accountability. The study analyses key indicators such as alignment with sustainable development objectives, carbon emission reduction, diversity and inclusion, community engagement and supply chain responsibility. These indicators provide measurable evidence of the multidimensional impact of corporate activities and contribute to the evaluation of corporate sustainability performance. The paper proposes a structured framework for organizing sustainability indicators and discusses challenges related to their implementation, including issues of standardization, data reliability and comparability. The findings highlight that effective use of sustainability indicators strengthens corporate transparency and facilitates the integration of sustainability principles into long-term business strategies.

Keywords: Corporate Sustainability, Sustainability Indicators, Stakeholder Engagement, Sustainability Reporting, ESG Performance.

1. Introduction

In recent decades, sustainable development has become a central concern for governments, international organizations and private corporations. Businesses are increasingly expected to operate in a manner that balances economic growth with environmental protection and social responsibility¹. In this context, corporate sustainability has emerged as a key concept guiding modern business practices. Sustainability indicators play an essential role in evaluating the effectiveness of corporate sustainability initiatives².

These indicators allow corporations and stakeholders to measure environmental, social and governance performance and to monitor progress towards sustainability objectives. By providing measurable data, indicators contribute to greater transparency, accountability and strategic planning³.

This paper aims to analyse the main indicators used to assess corporate sustainability and to examine their contribution to sustainable corporate governance. The study proposes a conceptual framework that organizes sustainability indicators into

¹ Freeman, R. E. (2010). *Strategic Management: A Stakeholder Approach*. Cambridge University Press.

² Schaltegger, S., & Wagner, M. (2017). *Managing the Business Case for Sustainability: The Integration of Social, Environmental and Economic Performance*. Routledge Publisher.

³ Carroll, A. B. (1991). The Pyramid of Corporate Social Responsibility: Toward the Moral Management of Organizational Stakeholders. *Business Horizons*, 34(4), 39-48.

several categories and evaluates their relevance for corporate decision-making and performance assessment.

2. Methodology

This paper adopts a qualitative and analytical research approach to examine the role and relevance of sustainability indicators in evaluating corporate sustainability performance. The research is primarily based on a review and analysis of academic literature, international sustainability frameworks and existing corporate sustainability practices⁴.

The methodological approach combines doctrinal analysis with conceptual evaluation of sustainability indicators used in corporate governance and sustainability reporting⁵. Relevant academic publications, international guidelines and sustainability reporting frameworks were examined in order to identify the most commonly used indicators in measuring corporate environmental, social and governance (ESG) performance. The study focuses on several key indicators that are widely recognized in sustainability assessment, including alignment with sustainable development objectives, carbon emission reduction, diversity and inclusion policies, community engagement and responsible supply chain management. These indicators were selected because they represent the main dimensions of corporate sustainability and reflect the multidimensional impact of corporate activities. The analysis aims to identify how these indicators contribute to corporate decision-making processes, strategic planning and sustainability reporting. Furthermore, the research examines the main challenges associated with the implementation of sustainability indicators, such as issues related to standardization, data reliability and comparability between corporations

3. Indicators linking corporate social responsibility and sustainable development goals

Corporate sustainability indicators are widely used to evaluate the environmental, social and governance performance of corporations. These indicators allow organizations to monitor their progress toward sustainability objectives, improve transparency and strengthen accountability toward stakeholders. International sustainability frameworks developed by organizations such as the United Nations⁶ and the Global Reporting Initiative⁷ emphasize the importance of measurable indicators in assessing sustainable corporate performance. Sustainability indicators generally fall into three main categories: environmental, social and governance indicators. Together they provide a multidimensional framework for evaluating the overall impact of corporate activities.

⁴ Wang, H., Tong, L., Takeuchi, R., & George, G. (2016). Corporate Social Responsibility: An Overview and New Research Directions: Thematic Issue on Corporate Social Responsibility. *Academy of Management Journal*, 59(2), 534-544.

⁵ Wang, H., Tong, L., Takeuchi, R., & George, G. (2016). Corporate Social Responsibility: An Overview and New Research Directions: Thematic Issue on Corporate Social Responsibility. *Academy of Management Journal*, 59(2), 534-544.

⁶ For more see: <https://www.un.org/en/>

⁷ For more see: <https://www.globalreporting.org>

3.1. Alignment with sustainable development goals

One important indicator of corporate sustainability is the degree to which corporate strategies align with global sustainable development objectives⁸. The United Nations established the Sustainable Development Goals (SDGs) as a global framework addressing major environmental and social challenges such as climate change, inequality and responsible production.

Corporate alignment with these goals demonstrates a strategic commitment to sustainable development. Companies increasingly integrate SDG-related objectives into their business strategies, sustainability policies and reporting practices. Such integration helps organizations identify risks and opportunities associated with environmental and social challenges while improving their long-term resilience.

From a governance perspective, alignment with the SDGs strengthens corporate accountability and enhances stakeholder confidence⁹. Investors, regulators and civil society increasingly expect corporations to demonstrate measurable contributions to sustainable development.

3.2 Carbon Emission Reduction

Carbon emission reduction represents one of the most widely used environmental indicators in corporate sustainability assessment. This indicator evaluates the extent to which corporations reduce greenhouse gas emissions generated by their operational activities¹⁰.

According to sustainability reporting frameworks such as those developed by the Global Reporting Initiative, companies measure carbon emissions through metrics such as total greenhouse gas emissions, emissions per unit of production and progress toward carbon neutrality targets.

Corporations typically adopt several strategies to reduce emissions, including energy efficiency improvements, investment in renewable energy, and the adoption of low-carbon technologies. Monitoring carbon emissions allows organizations to measure progress toward climate commitments and contributes to global climate mitigation efforts¹¹.

In addition to environmental benefits, reducing emissions can enhance corporate competitiveness by lowering energy costs and improving operational efficiency.

3.3 Diversity and Inclusion

Diversity and inclusion constitute an important social indicator of corporate sustainability. This indicator evaluates whether corporations promote equal opportunities, fair employment practices and inclusive workplace environments¹².

⁸Dyllick, T., & Muff, K. (2016). Clarifying the Meaning of Sustainable Business: Introducing a Typology from Business-as-Usual to True Business Sustainability. *Organization & Environment Journal*, 29(2), 156-174.

⁹Eccles, R. G., Ioannou, I., & Serafeim, G. (2014). The Impact of Corporate Sustainability on Organizational Processes and Performance. *Management Science*, 60(11), 2835-2857.

¹⁰Alam, Sh. S. M. & Islam, Z. K. M. (2021). Examining the role of environmental corporate social responsibility in building green corporate image and green competitive advantage. *International Journal of Corporate Social Responsibility*, 6 (8).

¹¹Alam, Sh. S. M. & Islam, Z. K. M. (2021). Examining the role of environmental corporate social responsibility in building green corporate image and green competitive advantage. *International Journal of Corporate Social Responsibility*, 6 (8).

¹²Noja, G. G., Cristea, M., Banaduc, I., Preda, G. & Ponea, S. C. (2021). The role of Employee Diversity,

Diversity indicators often include gender balance in management positions, representation of minority groups, equal pay policies and anti-discrimination practices. Organizations that promote diversity benefit from greater creativity, improved decision-making and higher levels of employee engagement¹³. From a sustainability perspective, inclusive organizational cultures contribute to social equity and reinforce corporate social responsibility commitments. Moreover, companies with strong diversity policies tend to demonstrate higher levels of organizational innovation and adaptability.

3.4 Community Engagement

Community engagement reflects the relationship between corporations and the communities in which they operate. Sustainable community engagement goes beyond philanthropic donations and includes long-term initiatives that contribute to social and economic development¹⁴.

Examples include investments in education programs, local employment initiatives, infrastructure development and support for social welfare projects. By actively contributing to community development, corporations strengthen their legitimacy and enhance their reputation as responsible economic actors¹⁵.

Effective community engagement can also improve stakeholder relations and reduce potential social conflicts related to corporate activities.

3.5 Responsible Supply Chain Management

Responsible supply chain management has become an increasingly important indicator of corporate sustainability due to the global nature of modern production systems. Corporations must ensure that sustainability standards are respected not only within their own operations but also throughout their supply chains¹⁶.

Responsible supply chain management involves monitoring suppliers to ensure compliance with environmental standards, labor rights protections and ethical sourcing practices. Companies often implement supplier codes of conduct, sustainability audits and transparency mechanisms to ensure responsible production practices. By promoting responsible supply chains, corporations can reduce reputational risks, enhance transparency and contribute to more sustainable global production networks¹⁷.

Inclusion and Development for Socially Responsible Management Strategies and Financial Performance of European Companies in: Nermend, K., Łatuszyńska, M., Thalassinou, E. (eds) Decision-Making in Management. CMEE 2019. Contributions to Management Science. Springer, https://doi.org/10.1007/978-3-030-67020-7_17.

¹³ Ciuk, S., Śliwa, M. & Harzing, A.W. (2022). Implementing the equality, diversity, and inclusion agenda in multinational companies. A framework for the management of (linguistic) diversity. *Human Resource Management Journal*.

¹⁴ Deigh, L., Farquhar, J. D., Palazzo, M. & Siano, A. (2016). Corporate social responsibility: engaging the community. *Qualitative Market Research an International Journal* 19(2): 225-240.

¹⁵ Etikan, J. (2024). Corporate Social Responsibility (CSR) and its Influence on Organizational Reputation. *Journal of Public Relations* 2(1):1-12.

¹⁶ Villena, V. H. & Gioia A. D. (2020). A More Sustainable Supply Chain. *Harvard Business Review*.

¹⁷ Fearne, A. & Varsei, M. (2014). Extending Sustainable Practices Beyond Organizations to Supply Chains in: Linking Global and Individual Sustainability. *International Society of Business, Economics, and Ethics Book Series*, Springer.

3.6. Key Sustainability Indicators by Dimension, Objective, and Measurement Examples

To evaluate corporate sustainability performance, it is essential to identify and measure key indicators across governance, environmental, and social dimensions. These indicators provide a structured framework to link strategic objectives with tangible actions and measurable outcomes. Table 1 “Key Sustainability Indicators by Dimension, Objective, and Measurement” presents an overview of the main sustainability indicators, their corresponding dimensions, objectives, and examples of how they can be measured in practice examples of measurable actions. This framework helps link a company’s strategic priorities to broader sustainable development goals and provides a practical basis for evaluating impact.

Table 1. Key Sustainability Indicators by Dimension, Objective, and Measurement

Indicator	Dimension	Key Objective	Measurement Examples	Source Author
Alignment with SDGs	Governance / Strategic	Integration of sustainability into corporate strategy	SDG reporting, sustainability policies	United Nations, 2015
Carbon emission reduction	Environmental	Reduction of greenhouse gas emissions	CO ₂ emissions, energy efficiency	GRI Standards, 2023
Diversity and inclusion	Social	Promotion of equality and inclusive workplaces	Gender balance, diversity ratios	ISO 26000, 2010
Community engagement	Social	Strengthening relationships with local communities	Social investments, local projects	GRI Standards, 2023
Responsible supply chain	Governance / Environmental	Ethical and sustainable sourcing practices	Supplier audits, sustainability standards	GRI Standards, 2023

As shown in Table 1 “Key Sustainability Indicators by Dimension, Objective, and Measurement”, organizations that integrate sustainability into strategic governance demonstrate measurable progress through SDG reporting and internal policies, while environmental initiatives such as carbon reduction are tracked through CO₂ emissions and energy efficiency metrics. Similarly, social indicators like diversity, inclusion, and community engagement reflect a company’s commitment to equitable and responsible practices.

4. Discussion and Results

The analysis of corporate sustainability indicators highlights the growing importance of measurable criteria for evaluating the environmental, social and governance performance of corporations. As sustainability becomes a central component of

corporate governance, the use of structured indicators enables organizations to translate broad sustainability principles into measurable outcomes and operational practices.

One of the main findings of this study is that sustainability indicators provide a framework for integrating long-term sustainability objectives into corporate decision-making processes. Indicators such as carbon emission reduction, diversity and inclusion, and responsible supply chain management allow corporations to monitor the impact of their activities and to identify areas where improvements are required. In this sense, sustainability indicators function not only as reporting tools but also as strategic management instruments that guide corporate policies and operational adjustments.

Furthermore, the integration of sustainability indicators enhances transparency and accountability toward stakeholders. Investors, regulators and civil society increasingly expect corporations to disclose reliable and comparable information regarding their sustainability performance. International frameworks developed by organizations such as the United Nations and the Global Reporting Initiative emphasize the importance of standardized indicators for improving sustainability reporting and facilitating cross-company comparisons.

However, the implementation of sustainability indicators also presents several challenges. One of the main difficulties concerns the lack of uniform measurement standards across industries and jurisdictions. The absence of standardized methodologies may limit the comparability of sustainability reports and reduce the reliability of reported data. In addition, corporations may face challenges related to data collection, monitoring systems and the integration of sustainability metrics into existing management structures.

Another important issue relates to the risk of superficial or symbolic adoption of sustainability indicators. Some corporations may focus primarily on reporting practices without implementing substantive changes in their operational strategies. Therefore, effective sustainability governance requires not only the adoption of indicators but also the integration of sustainability principles into the core strategic and managerial processes of corporations.

Overall, the findings suggest that sustainability indicators represent a critical instrument for strengthening corporate responsibility and promoting sustainable development. When properly implemented, these indicators support more informed decision-making, enhance stakeholder trust and contribute to the long-term resilience of corporations.

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The European Legislation on End-of-Waste

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Abstract

According to recent tendencies, progress on resource efficiency is possible and it will lead to economic, environmental, and social benefits. The passage to a circular economy system, in which all the materials and energy will maintain their value for as long as possible, waste is reduced and only a few resources are used, is one of the most relevant parts of the European Union's environmental policy to develop a sustainable, competitive and low-carbon economy. The concept of circular economy is to be found in Decision 1386/2013/EU of the European Parliament and of the Council on a General Union Environment Action Programme to 2020 named "Living well, within the limits of our planet". To modernise waste management systems in the Union and to consolidate the European model as one of the most effective in the world, a revised waste legislative framework entered into force in July 2018. Regarding the Italian legislation, the laws to be modified are the Legislative Decree 3 April 2006, n. 152 and the laws ruling waste management, end-of-waste, by-products and, the regulatory principles regarding circular economy. European rules on end-of-waste are not fully harmonised and so there are legal challenges. The target to be achieved is full consistency between the laws implementing waste and chemicals policies. Only in this way, materials will be safe, fit-for-purpose and designed for durability; additionally, they will have a low environmental impact.

Keywords: Circular economy, end-of-waste, legislation, secondary raw materials
JSI: JEL K00

1. Introduction

Pursuant to recent tendencies, further progress on resource efficiency is possible and that may lead to major economic, environmental and social benefits. Transforming waste into a resource is a crucial part of increasing resource efficiency and ensuring the functioning of a circular economy.

The transition to a circular economy system, in which the materials and energy keep their value for as long as possible, waste is minimized and only a few resources are used, is one of the cornerstones of the European Union's environmental policy to develop a sustainable, competitive and low-carbon economy.

Secondary Raw Materials (SRMs) are those materials which derive from recovery and recycling of waste, or from all the raw materials processing residues. If they are properly treated, it is possible to obtain a material identical to the one to be extracted, respecting the environment and avoiding diminishing raw materials. Common examples are glass and paper which are properly processed and put back on the market. In this way, waste is reintroduced at the beginning of the production chain, instead of ending its life cycle.

SRMs are the bond between respect and protection of the environment and the recovery of waste materials because goods which would have become waste are reintroduced into the production process.

The uptake of SRMs may be helpful in improving the security of supply, reducing the use of natural resources and, consequently, the impact on the environment. The use of secondary materials not only can contribute to the circularity of the national economy, but also to the European Union. In fact, SRMs can be imported and exported, as it happens for raw materials.

Regarding the legislation in force, one of the most critical issues is by the regulation on end-of-waste (EoW), i.e., the recovery process at the end of which waste is no longer defined as such, but becomes SRM.

2. Legal sources

The first explanation of the concept of circular economy is to be found in Decision No 1386/2013/EU of the European Parliament and of the Council on a General Union Environment Action Programme to 2020 “Living well, within the limits of our planet”¹. Furthermore, in 2015 the European Commission adopted the Communication “Closing the loop - An EU action plan for the Circular Economy”, which underlines the interdependence of all the processes of the value chain: from the extraction of raw materials to product design, from production to distribution, from consumption to reuse and recycling.

Within the Circular Economy Action Plan, after nearly two years of negotiation, an agreement was reached on the revision of the following directives:

- a. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives;
- b. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste;
- c. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste;
- d. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles;
- e. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC;
- f. Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE)

The proposals modified six Directives addressing the management of different types of waste. The proposals to change Directive 2008/98/EC, Directive 1999/31/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU were based on Article 192(1) TFEU, while the proposal to amend Directive 94/62/EC was based on Article 114 TFEU.

The proposals, which were part of the Circular Economy Package and amended the six Directives mentioned above, had their grounds partially in the proposal that the Commission tabled in July 2014 and subsequently withdrew in February 2015. They were in line with the objectives of the Resource Efficiency Roadmap and the 7th Environment Action Programme, including full implementation of the waste hierarchy in all Member States, decline in absolute and per capita waste generation,

¹ The waste hierarchy gives preference to prevention first followed by reuse, recycling before energy recovery and disposal which includes landfilling and incineration without energy recovery

ensuring high quality recycling and the use of recycled waste as the most important source of raw materials for the Union. They also contributed to the implementation of the EU Raw Materials Initiative and addressed the need to prevent food waste. Furthermore, these proposals simplified the reporting requirements included in all six Directives.

The proposal to amend Directive 2008/98/EC responded to the legal obligation to review the waste management targets in that Directive [4]. It was submitted to the Parliament and to the Council, which made some changes to it. Therefore, the Circular Economy Package amended the six European Directives which ruled waste. As mentioned, these Directives were about waste, landfill of waste, packaging and packaging waste, end of life vehicles, batteries and accumulators and waste batteries and accumulators, and waste electrical and electronic equipment.

In December 2017, a broad agreement was reached by the Parliament, the Council and the Commission. The agreement was approved by the European Parliament in a plenary session on 18 April 2018 and on 22 May 2018 by the EU Council and published in the Official Journal of the European Union (OJEC) on 14 June 2018. The new Directive makes several changes to European legislation and must be implemented by member States by 5 July 2020.

3. Current EU Legislation

Efficient waste management systems are an essential part of a circular economy. To modernise waste management systems in the Union and to consolidate the European model as one of the most effective in the world, a revised waste legislative framework entered into force in July 2018. This includes:

- new ambitious yet realistic recycling rates²;
- simplification and harmonisation of definitions and calculation methods and clarified legal status for recycled materials and by-products;
- reinforced rules and new obligations on separate collection (bio-waste, textiles and hazardous waste produced by households, construction and demolition waste);
- minimum requirements for Extended Producer Responsibility;
- making waste prevention and waste management measures stronger, including also marine waste, food waste, and all the products containing critical raw materials.

The Commission is supporting and engaging with Member States in the implementation of the waste legislation. The purpose is to increase understanding of circular economy opportunities in those Member States that face the biggest challenges in meeting their recycling targets. Experts will visit different Member States, will share experiences, and will advise on how to reach best the objectives of the waste policies.

One of the institutions the new Directive has affected the most is the one pertaining to EoW. Article 1, paragraph 1, point 6, of Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 has modified article 6 of Directive

² The revised waste legislation requires that by 2030, 70% of all packaging waste and, by 2035, 65% of municipal waste should be recycled, while reducing landfilling of municipal waste to 10%. A 5-year time extension is granted to Greece, Croatia, Cyprus, Latvia, Lithuania, Hungary, Malta, Romania, Slovakia and Bulgaria

2008/98/EC on waste. Member States are asked to adopt necessary measures to ensure that materials which has undergone a recycling or other recovery operation are no longer deemed waste if the substance or object is to be used for a specific purposes and if the other requirements of the previous directive are met.

Paragraph 2 is totally new and it now establishes that Commission will monitor the development of national end-of-waste criteria in Member States, and assess the need to develop Union-wide criteria on this basis. To that end, and where appropriate, the Commission will adopt implementing acts in order to establish detailed criteria on the uniform application of the conditions laid down in paragraph 1 to certain types of waste.

Paragraph 3 has been totally modified by the Directive in exam. This paragraph deals with national EoW criteria and it establishes that if criteria have not been set at Union level under paragraph 2, Member States may establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain types of waste. Those detailed criteria will take into account any possible adverse environmental and human health impacts of the substance or object and will satisfy the requirements laid down in points (a) to (e) of paragraph 2.

Furthermore, paragraph 4, concerning case-by-case criteria, has been replaced and a new paragraph 5, regarding the natural or legal person who uses a material or places it on the market, has been added.

4. The Italian Legislation

With regard to the Italian legislation, the laws which are likely to be amended are the Legislative Decree 3 April 2006, n. 152 (better known as Consolidated Environment Act), as well as all the laws ruling waste management, EoW, by-products and, more generally, the regulatory principles regarding circular economy.

Article 183, paragraph 1, letter a) of Legislative Decree 3 April 2006, n. 152 states that waste is made of substances discarded by the holder; these substances are indicated in a special attachment. The provision specifies that the management of waste concerns several phases, including transport. So, the notion of waste refers primarily to the concept of “discard”; subsequently, it is necessary to check whether the list under Article 185 of the Consolidated Environment Act contemplates that waste or not. In this way, it will be possible to ascertain if it is a by-product (Article 184 bis), or an EoW (Article 184 ter).

Having said that, in 2016 Law 28 December 2015, 221 (also called “Collegato Ambientale”) came into force, whose purpose is to promote a green economy and sustainable development. This law favours the adoption of the circular economy principles by the national system both through provisions on waste management and incentive measures. The rules embodied in this law introduce the notion of EoW and by-product, which are pivotal to a circular economy.

The creation of a circular economy has been favoured also with regard to excavation lands and rocks which are no longer classified as waste, but as by-products, thanks to the issue of Presidential Decree 13 June 2017, n. 120.

5. End-of-Waste

The rules of the European Commission, case law and years of experience establish when goods become waste. When that happens, EU waste legislation applies. The EU waste rules are stringent in order to protect human health and the environment. In a circular economy, materials should only stay in the waste phase for a limited time; this is because the aim is that they should be recovered and reintroduced into the economy to replace primary materials. In most cases, this may happen if materials which have been recycled are no longer considered waste.

Waste ceases to be waste when it meets the so-called “end-of-waste criteria”. For some waste streams such standards have been set at EU or national level. However, the scope of these rules and clarity on how they operate is lacking. The nature of waste streams, recovery processes and recovered materials means that EoW criteria that are applicable to whole waste streams are not easy to establish. As a consequence, many recovered materials are traded and used in the absence of established EoW criteria and therefore under an unclear legal framework and without transparency.

As a matter of fact, in the targeted consultation, the metals and the electricity industries reported difficulties in determining the waste or product status of materials such as coal ashes and copper slags. Different rules are applied across Member States, and even among different regions. This leads to problems in the trans-border transport of these materials and sometimes makes it impossible to derive useful resources from these materials, some of which are waste generated in quantities counted in millions of tonnes per year. Uncertainties about the status of a material as a waste or a product is also an issue for authorities who many times deal with problems in determining whether waste or product legislation applies. This situation arises for example in deciding whether recycled PVC containing DEHP should still be considered waste or whether it should be treated as a product.

The production and use of hazardous chemicals and products are subject to strict EU rules adopted to protect workers, citizens and the environment from harm. When a chemical is determined to be hazardous, it is classified as such, which leads to clear obligations for operators to ensure their safe handling.

Similarly, waste management is governed by EU rules adopted with the same objectives in mind so that dangerous waste is treated without harming the environment or human health. However, the two sets of rules are not fully aligned. There are situations where the same material, containing a hazardous substance, may be considered dangerous or not depending on whether it is waste or a product. This discrepancy means that it cannot be assumed that materials which re-enter the economy resulting from the recovery of non-hazardous waste will necessarily result in a non-hazardous product. The way rules on the classification of waste are implemented and enforced has important consequences on future waste management choices, such as feasibility and economic viability of collection, recycling method or the choice between recycling and disposal. Such differences may have an impact upon the uptake of SRMs. For example, lead metal has a different classification depending on its waste or product status. Lead metal waste from construction and demolition activities is listed as non-hazardous waste in the European List of Waste. Lead metal as a product is classified as a hazardous substance under the EU legislation on classification, packaging and

labelling of chemicals due to its harmful effects on reproduction. Another example is the case of flexible PVC waste containing certain additives, where often waste operators (mis)classify this waste as non-hazardous although the resulting recovered product will be classified as a hazardous chemical mixture under the CLP Regulation. In Italy, the concept of EoW was introduced by the Legislative Decree 3 December 2010, n. 205 which implemented Directive 2008/98/CE. First of all, it must be underlined once more that EoW constitutes a process after which waste ceases to be waste and obtains a status of a product (or an SRM). Therefore, since this process eliminates waste from the environment, obtaining a product through its recovery, it is clear that it aims at protecting the environment and it plays a primary role in the realization of a circular economy.

Article 183, paragraph 1, letter t) of Legislative Decree 3 April 2006, n. 152 gives a definition of “recovery”, i.e., any operation the main result of which is to enable waste to play an appropriate role by the substitution of other materials which would have been used to carry out a specific function or to prepare them to carry out that function. Regarding the distinguishing features of EoW, pursuant to Article 184 ter, paragraph 1, waste ceases to be waste when has undergone a process of recovery and meets certain criteria. Paragraph 2 establishes that recovery may simply consist of checking waste to verify whether they meet the criteria developed in accordance with the aforementioned requirements. Moreover, in accordance with paragraph 3 of the same provision, pending the adoption of one or more decrees referred to in paragraph 2, the decrees of the Minister of the Environment and of the protection of the territory of 1998, 2002 and 2005 and the law-decree 6 November 2008, n. 172 are still applicable.

6. Conclusion

From what has been discussed above it is clear that European rules on EoW are not fully harmonized; as a consequence, there are legal challenges. The longer-term target must be to achieve full consistency between the laws regarding waste and chemicals policies. In this way, materials will be safe, fit-for-purpose and designed for durability and recyclability; furthermore, they will have a low environmental impact. Goods should be designed, manufactured, traded and recycled with minimal use of hazardous substances in order to make their reuse easier; the aim is to widen the benefits and utility of goods, but also keeping a high degree of human health and environmental protection.

Implementing the Circular Economy Action Plan has made the transition towards a circular economy in Europe faster. At the same time, a stronger, shared vision of a circular economy can only boost ongoing efforts to modernise the EU industrial base to ensure its global competitive edge and preserve and restore the EU’s natural capital.

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The Paradox of Capitalism: How Law Fosters Growth While Undermining Competition and Increasing Economic Inequality

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Abstract

The global economy is more than ever affected by the inadequacy of the current capitalist system and the profound inequality it perpetuates, especially when supported by the law, demonstrated by the tension between legal frameworks designed to support capitalism and the resulting undermining of competition and the increasing inequality. The aim of this paper is to outline the fact that capitalism was never intended to function in this way; when first introduced by John Locke and Adam Smith, it was meant to foster competition and prosperity, not concentrate wealth and stifle fairness. This paper encapsulates the complex and often contradictory relationship between legal systems and capitalist economies. On one hand, laws are essential for fostering economic growth, creating the stable environment necessary for businesses to thrive and ensure protections that enable market activities. On the other hand, these same laws, through mechanisms like corporate regulations, monopolistic practices and wealth concentration policies, can inadvertently limit competition and exacerbate income inequality. While capitalism underpinned by law, can drive prosperity up to a certain point, it also carries inherent risks of deepening societal divides, stifling fair competition and limiting innovation revealing the paradox at its core. In this paper, the roots of capitalism are examined from the gradual evolution of economic systems to the modern-day globalized market. The analysis highlights key turning points, such as the Industrial Revolution and the rise of neoliberal policies, that have shaped the current economic landscape and the role of law within it. This paper examines the future of capitalism by exploring potential reforms and alternative models to address its contradictions, reduce inequality and promote broader prosperity.

Keywords: Capitalism, Competition, Inequality, Growth, Law.
JSl: JEL K21, JEL D63, JEL O43, JEL L40

1. Introduction and background

The rich get richer and the poor get poorer. In 1950, the top 1% of the global population collectively owned about 20% of the world's wealth. Over time, wealth inequality has increased, in 2010, the top 1% of the population collectively owned more than 40% of the world's global wealth. In 2023 it got worse, with the 1% owning more than 45%, and the gap will increase further in the future. To put this into perspective: The total global wealth was estimated at \$454 trillion in 2023. The richest 1% (around 80 million people) owned roughly \$204 trillion of that wealth. This extreme concentration of wealth highlights global economic inequality, as the bottom 50% of the world's population owns less than 1% of total wealth.

As real examples of the world's biggest companies such as Amazon demonstrate, a small business with limited means simply cannot compete with a larger one that can

outperform them in the same service due to having more resources to work with. So on a given economy we see an inevitable point in time where say 10% of the population manages to acquire 90% of the economy's wealth while the other 90% of the population remains with 10% of that wealth. Contrary to the theoretical presumed economic equilibrium of capitalism, the dynamics of mass competitive trade in any society always move toward disequilibrium, and ironically law supports this structure instead of counterbalancing it doing the opposite to lower inequality. In the USA, considered the richest country in the planet, half of the population has less than \$1000 in savings (NASDAQ), while also spending more each year than they actually earned, just trying to keep up. In 2018, nearly 50% of the population lived in poverty on less than 5,5\$/day, and 26 individuals owned more wealth than the bottom half 3,6 billion people. By 2021 the top 10 individuals owned more wealth than the bottom half, further emphasizing the growing wealth inequality globally. There are plenty of other elements that contribute to this disparity: off-shore tax havens for the rich, trickle down economics where the government favors business over the public's well being, gaming strategies to restrict the power of unions and keep wages low, various maneuvers related to the stock market, but the financial system and the use of debt is the major factor.

My long-term hope is that law reforms can set new precedents, that those who disproportionately benefit in this world will be inspired, step up and help take responsibility for the plight of the less fortunate. The true source of poverty is our social system, which continues to be unaddressed. We live in a world of stories and myths and we have been told that the vast inequities that we see is the price that we must pay for innovation and progress. Well innovation to what end? And how do we define this notion of progress? For if progress is about how much one can own, the availability of jobs, the state of a nation's GDP, the rise of the stock market or the development of some gadget to entertain and distract you, then we face a serious existential crisis. I believe that true progress can only be measured in the health, stability, integrity and responsible freedom of a civilization. Responsible to ourselves, responsible to each other and responsible to the environment that we all share, and by those measures there is now little progress to be found, as we sit idly by presupposing that the way society works is the the only way it ever could. If it is true that we must persist in this inefficient economic order, benefiting the minority at the cost of the majority, then our only choice is to seek a new level of humanitarian effort. The total wealth of the world's billionaires being in the range of over \$10T (*Oxfam, IMF*) has the means to end global poverty (which is generally defined as living on less than \$1.90 per day) almost 100 times over. Some estimates suggest that it would cost around \$175B per year to end extreme poverty globally. However, this is a matter of redistribution and policy, not just wealth accumulation. But it's clear that the wealth of billionaires far exceeds the costs of addressing global poverty. Until this problem ends, there will be no peace.

2. The Context and Relevance of Capitalism

Capitalism is a social construct, a term for what capitalists tend to believe and do. Beyond a few fundamentals, that it puts faith in markets as the best way to

allocate resources, that it depends on private ownership of property, that it features mechanisms for accumulating capital to fund endeavors larger than individuals can undertake alone, capitalism is subject to change. Like any adaptive system, capitalism is nested in an environment, so any substantial change in that environment alters what it takes to thrive. The very geography of capitalism is shifting. With each passing year, emerging economies account for a larger proportion of global GDP. Patterns of consumption are being upended as global standards of living rise. Taking root in different soil, capitalism itself will grow into something new. Capitalism doesn't evolve only in theory. The most cursory review of economic history shows how much it has changed in practice. The rules shift constantly. For example, while industrial-era UK jailed bankrupt founders, the US later created bankruptcy laws that encouraged entrepreneurial risk-taking. Limited liability enabled big firms and monopolies, old assumptions like the Gold Standard were abandoned, and as information surpasses capital and land as a resource, economics is transforming again. Capitalism continues to evolve, but its next form is uncertain. Concepts like corporate social responsibility, open source collaboration, and venture philanthropy challenge traditional profit-driven economic theories, yet they keep gaining momentum. Viewed differently, these changes fit capitalism's logic, needing only the belief that it can evolve toward new goals. Competition, long seen as its core, may not actually be central. Shift the focus to innovation, and initiatives like Wikipedia no longer seem unlikely. Competition remains in the system but gives space for collaboration. Likewise, what if capitalism is driven not by financial gain but by the pursuit of value? This view accepts financial profit while also recognizing other forms of gain. As capitalism evolves, the paths to success will change too. Firms rise and fall based on how well they navigate this shifting terrain, and prosper by adapting. The ongoing crisis, by challenging the status quo, accelerates these changes, weakening inertia and giving those eager for reform more reason to act. The paradox of capitalism lies in the tension between the forces of economic growth, competition, and the legal structures that are designed to regulate and support capitalism, which often often lead to monopolistic practices, deepen economic inequality and limit competition. Capitalism relies on legal frameworks (property rights, contracts and corporate regulations) to foster growth and innovation. Yet these same laws can concentrate wealth, favor large corporations, limit competition and exacerbate inequality, benefiting some while leaving others behind. This tension poses a key challenge for modern economies, how to balance capitalism's benefits with fairness, equitable opportunity, efficient resource use, and minimal waste.

3. Origins of Capitalism

Capitalism emerged in England with John Locke, who defended private property based on labor while emphasizing limits (enough for others, no waste), but the invention of money undermined them enabling accumulation that favored owners' interests and exacerbated inequality. Adam Smith later formalized economic theory in *The Wealth of Nations* (1776), introducing the "Invisible Hand" and the idea that individual self-interest could promote societal welfare. However, modern capitalism deviated from his main criterion "Atomistic Competition" (many small competitors) and it got concentrated on less and less competitors leading to

the inefficient outcome we have today. The Industrial Revolution and the rise of neoliberalism have profoundly reshaped capitalism, transforming economies from small-scale, artisanal production to industrial and managerial systems dominated by large firms. Technological advances, mass production, and new markets enabled unprecedented wealth creation but also entrenched inequality, as capitalists amassed power while workers often faced exploitation. Alfred Chandler's concept of "managerial capitalism" highlights how the invisible hand of markets was replaced by the visible hand of powerful industrialists who could shape demand and control entire industries. In the late 20th century, neoliberalism accelerated these trends through deregulation, privatization and globalization, further concentrating wealth, undermining competition, and producing uneven benefits across societies. The result is a paradox of capitalism: unprecedented growth alongside persistent inequality and market distortions. In the modern age, capitalism remains dominant but has evolved under technological innovation and globalization. Advances in AI, automation, and digital platforms have increased efficiency and created new industries, yet they have also displaced workers, stagnated wages, and concentrated wealth in the hands of a few global corporations. The pursuit of monetary profit, the "Money Sequence of Value", has become decoupled from the broader "Life Sequence of Value," producing economic growth without necessarily improving well-being. This structural shift has amplified inequality, strengthened corporate power relative to governments, and intensified challenges in labor markets, leaving capitalism increasingly capable of generating wealth but less effective at distributing it equitably. Modern economies prioritize abstract measures of monetary activity, like GDP and stock values, over real human well-being, social stability, or environmental health. Economic growth often arises from problems (illness, crime, or destruction) because cyclical consumption drives profit, not life preservation. The system relies on the continual flow of money through employees, employers, and consumers, rewarding activity rather than efficiency or sustainability. As a result, capitalism increasingly decouples wealth creation from tangible social or ecological value, promoting waste, inequality, and environmental degradation, raising the question of whether the current paradigm is an economic system at all, or an "anti-economic" one. Furthermore, the market system inherently rewards short-lived, inferior products and socially or environmentally harmful services through intrinsic and planned obsolescence, making sustainability, efficiency and problem-solving economically counterproductive while driving cyclical consumption and growth. This modern consumer culture conditions people to equate happiness with material possessions, creating a "value system disorder" that fuels endless consumption and supports the market system at great social and environmental cost, with corporations spending more on marketing than production to maintain a cycle of artificial needs and conspicuous consumption.

4. The Paradox of Capitalism

- Money Paradox

The modern capitalist system prioritizes financial returns as the main measure of value, often neglecting social, environmental, and intangible forms of well-being. This "measurement gap" leaves factors like community health, employee satisfaction, and

environmental impact undervalued, causing unintended harm. Although frameworks like the Triple Bottom Line encourage assessing financial, social, and environmental outcomes, the difficulty of measuring intangibles keeps attention focused on money as it is easily measured. Peter Drucker said, “What gets measured gets managed.” Official statistics shape society: the questions asked, methods used, and numbers reported influence perceptions, aspirations, and behavior, actively molding the world they measure. This focus drives the “happiness plateau,” where income beyond basic needs no longer boosts life satisfaction, yet people continue pursuing wealth, mistakenly equating it with true well-being. The paradox endures because money is visible, comparable, and culturally reinforced, obscuring the broader dimensions of value that sustain human and social welfare.

- Growth Paradox

The modern focus on GDP illustrates a “runaway effect,” measuring economic growth by financial output rather than true social well-being. While GDP tracks consumption, investment, and trade, it ignores essential sources of quality of life: caregiving, community cohesion, convenience, and environmental health, which may even reduce GDP while enhancing well-being. This narrow focus reinforces policies that prioritize growth over human needs, particularly for the most vulnerable. Bhutan’s Gross National Happiness (GNH) index offers a compelling alternative, measuring societal success across nine dimensions, including psychological well-being, health, education, environmental diversity and community vitality. By linking budgets and policies to these indicators, Bhutan shows that redefining progress can shift priorities toward human fulfillment, slow resource depletion, and promote more meaningful engagement. Widespread adoption of happiness-based metrics could curb the pressures of consumption, realign economic activity with social and emotional value, and foster sustainable, equitable, and genuinely fulfilling lives. The focus on growth and ROE shows how incentives can drive harmful runaway effects. Initially promoting efficiency, ROE eventually encouraged monopolies, labor suppression, and short-term profit over social and environmental concerns. Scholars like Michael Porter advocate expanding corporate goals to include societal benefits and internalizing externalities. By measuring broader impacts, firms can align profits with well-being, and large companies can turn negative externalities into positive contributions if transparency is enforced. Shifting capitalism to value both profit and human welfare could transform incentives toward sustainable prosperity.

- Pseudocompetition Paradox

The capitalist emphasis on growth and ROE shows how financial incentives can produce runaway effects that harm society. Originally designed via the DuPont equation to optimize profitability, ROE encouraged efficiency and innovation but gradually incentivized monopolies, labor suppression, and short-term gains over social and environmental well-being. In concentrated markets, a few dominant firms leverage scale, network effects, and regulatory influence to maintain high profits while suppressing real competition, a phenomenon called pseudocompetition. Incremental innovations, planned obsolescence, and marketing create demand

without meaningful value, while regulatory bodies often fail to challenge entrenched incumbents. Scholars like Michael Porter argue that firms should pursue shared value and internalize externalities, measuring social, environmental, and psychological impacts alongside financial returns. By shifting focus from ROE and market share to innovation, human welfare, and long-term societal benefit, capitalism can transform incentives, encourage genuine competition, and align economic growth with broader social and environmental goals.

5. The Role of Law in Capitalism

Inequality not only concentrates wealth, today 1% of the population owns over 45% of global wealth, but also drives profound social and health crises, from violence and drug abuse to mental illness and reduced life expectancy. Studies, such as the Whitehall Study, show that lower socioeconomic status predicts worse health outcomes independent of access to care, reflecting the psychosocial stress of systemic stratification. More equal countries (compared to less equal countries) except of having longer life expectancy, less drug abuse, less mental illness, more social capital (the ability to trust each other), higher educational scores, less crime, on and on, they also are characterized by greater innovation. This challenges the age old notion that a competitive stratified society is somehow more creative and inventive, demonstrating that inequality erodes both social cohesion and human potential. Laws are central to capitalism, establishing the rules that govern property, contracts, markets, labor, and finance, yet they can unintentionally reinforce wealth inequality by concentrating power and resources in the hands of a few. Tax codes that favor capital gains over wages, inheritance laws, and loopholes allow affluent individuals to preserve and expand their wealth across generations, while middle and lower class populations face higher relative burdens and fewer opportunities for economic mobility. Similarly, intellectual property laws can limit competition and innovation, enabling dominant firms to monopolize markets and accumulate disproportionate profits. Contract law, while essential for enforcing agreements, can also exacerbate inequality, particularly when commercial contracts favor larger corporations over smaller businesses or individuals. Power imbalances in contract negotiations often force smaller entities into restrictive terms, low profit margins, or debt dependency, while corporations and landlords capture the majority of revenue, reinforcing economic hierarchies and limiting upward mobility. Labor, antitrust, and corporate regulations further illustrate this tension: while they are designed to protect workers, promote competition, and ensure transparency, enforcement often favors employers and established businesses, leaving systemic inequality largely unaddressed. Financial laws and corporate governance frameworks facilitate investment and growth but can also create structures that perpetuate wealth accumulation at the top, particularly when combined with an economic system reliant on debt and cyclical consumption. Likewise, commercial contracts in franchising, real estate, and credit can trap smaller operators in cycles of dependency, channeling wealth upward to large corporations and investors while restricting innovation and market entry. Ultimately, the legal system functions as both the backbone and the regulator of capitalism: it

enables private property, enforces contracts, and maintains market stability, yet simultaneously preserves the status quo by shielding the powerful and concentrating resources. Laws and commercial contracts, though necessary for economic function, can perpetuate inequality by protecting entrenched wealth, limiting opportunities for competition, and creating structural barriers for smaller actors. Addressing these disparities requires legal reforms that prioritize equitable wealth distribution, fair competition, and accountability, ensuring that the legal framework supports not only economic growth but also broader innovation, social welfare and mobility.

6. What Comes Next

Capitalism adapts rather than self-destructs. Growth is shifting from high-income economies to emerging, digitally connected markets, just as industrial technology once shaped the 20th century, information technology is shaping the 21st. In this new environment, value can be shared instantly, tools and processes spread at minimal cost, and physical capital is less central. Traditional assumptions about scarcity, competitive advantage, and wealth are being challenged, forcing capitalists to adapt to unfamiliar markets. Over the next two decades, these changes will accelerate capitalism's evolution faster than ever. As *Keynes* commonly known as the "father of macroeconomics" once observed, capitalism is nothing but a set of rules, some explicit (law) but most implicit. The rules dictate the conduct of exchanges, economic and otherwise, among owners, managers, citizens, and the state. Some of these rules turn out to serve society better than others. Developing bankruptcy protections as an alternative to debtors' prison is one of the steps in the more general shift from vengeance to compensation. The rules changed, and capitalism adapted. However, easing up on bankrupts threatens to create *moral hazard*, a situation in which someone has an incentive to make bad choices because others will pay for them. A creative use of the law and a careful balance that encourages reasonable risk taking while discouraging recklessness and free riding must be focal for new rules. Coevolution occurs when changes in one system spur reciprocal changes in another. In capitalism, rules and technologies drive new behaviors, which in turn reshape social values and the law, creating a continuous feedback loop. Feedback, the effect of what happened yesterday on what will happen tomorrow is a powerful force in any ecology, biological, legal or economic. Performance reviews don't only describe what happened in the past, they affect how individuals will behave in the future. Market acceptance is a form of feedback that determines what will get made. Now the underlying ideas of economics are in flux and the focus has moved to understanding the changes. *Runaway effects* happen when a single criterion governs resource allocation without balancing other criteria that determine the overall value of the choice to society. Without law enforcement, regulation, morality, or some other form of social code to represent the nonfinancial interests of society, the combination of *the runaway effect* and *moral hazard* can lead to something like "social suicide." It is very hard to change rules once they have taken hold because of inertia. Capitalism exists as a set of rules selected by its practitioners to serve their various interests. As capitalists are confronted by changes in their opportunities and constraints, and by each other's examples, they will begin

to choose new rules. When an adaptive system finds itself in a new environment, it evolves. Feedback reinforces some rules positively, and others negatively. Not everything will change, some rules of today's version of capitalism will remain, reasserting the logic that made them instrumental to its fitness in past eras. But some evidence shows that other rules are changing. These changing rules equip capitalism to perform in a new world of digital abundance, broad value expectations, and constant innovation, but may even spring us from some other runaway effects, that would still be better than the danger of instead focusing only on profit maximization, bringing externalities on society.

Addressing the Paradox

Modern capitalism treats profit like an addiction, driving relentless wealth pursuit that prioritizes short-term gains over ethics, society, or the environment. Hierarchical competition is justified as "human nature", yet true human needs (love, connection, recognition) foster cooperation and responsibility, that when unmet, harmful behaviors and inequality arise. This raises a key question: does our system support human well-being? In a capitalist, competition-driven system, profit maximization inherently produces corruption, wealth concentration, social stratification, technological stagnation, labor exploitation, and elite-driven governance, as scarcity and monetary incentives prioritize financial gain over human well-being. Efficiency, sustainability, and abundance are actively suppressed because they conflict with the profit motive, making war, poverty, and social injustice persistent features of the system. True change requires removing the societal mechanisms that generate greed and coercion, shifting values and resource allocation to align with the Earth's carrying capacity rather than arbitrary monetary, political, or religious dictates. A Resource-Based Economy offers a potential alternative, providing access to life's necessities without price, debt, or coercion, and creating new, intrinsic incentives for creativity, cooperation, and social contribution. By applying scientific principles to optimize human health, production, infrastructure, and resource management, it prioritizes well-being over profit, aiming not for perfection but for a system far more equitable, sustainable, and effective than current monetary capitalism. Collaborative production represents a transformative alternative to traditional capitalism, shifting the focus from competition to cooperation and shared responsibility across industries and communities worldwide. Adam Smith's "invisible hand" described how self-interested actors unintentionally produced societal benefits, while Alfred Chandler's "visible hand" of managerial capitalism illustrated how powerful firms intentionally shaped markets, often reducing innovation and raising prices. Later, the era of the "visible handshake" emerged as firms outsourced and specialized, coordinating actions through supply chains to optimize efficiency, exemplifying how deverticalized firms survive through collaboration within formal agreements. Today, the "invisible handshake" signals a new phase of capitalism, where emergent, beneficial outcomes arise from widespread voluntary collaboration rather than competition or formal contracts. Characterized by low coordination costs, nonrival goods, nonfinancial incentives, and the creation of collective products (Linux)

this model aligns individual motivations with collective gain, fostering innovation, efficiency, and sustainable growth, forging a path toward a more cooperative and adaptive economic system.

TABLE 6-1

The evolving hand of capitalism

Element	Invisible hand	Visible hand	Visible handshake	Invisible handshake
Competitors	“Atomistic”	Oligopolistic	Oligopolistic, but competition among suppliers	Many kinds, including individuals
Pricing mechanism	Market	Fiat	Negotiation	Often not priced
Emergent property	Maximum consumer surplus, efficient resource allocation	Corporations turn consumer surplus into monopoly profits, inefficient production	Reduced costs retained as profits, greater resource efficiency	Greater consumer surplus, some of it nonfinancial
Implications for innovation and growth	Positive sum; competition	Zero sum; competition restrained by desire for	Zero sum, but innovation spurred by	Accelerated innovation; faster growth of financial
	impels innovation	stability; innovation retarded	supplier competition	and nonfinancial value

The Fourth Sector

The concept of a “fourth sector,” pioneered by Heerad Sabeti, represents a legal and structural innovation designed to bridge the rigid boundaries of traditional capitalism. Under current capitalism, the distinctions between public, private and nonprofit sectors are sharply drawn, legally and culturally, limiting organizations’ ability to pursue social responsibility alongside financial returns. The fourth sector, or “for-benefit” businesses, allows enterprises to blend financial profit with broader societal value, supported by a mix of funding sources from commercial customers, philanthropists, and governments. By giving companies legal permission to embrace externalities and use patient capital to create mixed-value business models, the fourth sector challenges the artificial separations that have long constrained social entrepreneurship and innovation. Just as even the most profit-driven companies provide social benefits and even the most altruistic nonprofits manage resources productively, this sector recognizes the shared purpose of all enterprises: creating value in multiple dimensions, financial and nonfinancial. As society becomes increasingly connected and transparent, the pressures on businesses to internalize their externalities will grow, aligning societal and corporate incentives. Sensors, data, and social accountability make visible the true impact of institutions, forcing organizations to take ownership of environmental, social, and economic effects. Over time, artificial sectoral barriers may dissolve, allowing enterprises to adjust

their value creation according to stakeholder preferences while fostering innovation, growth, and better-distributed benefits. In this emerging paradigm, the invisible hand of markets could be supplemented by mixed-value enterprises, where economic activity serves not only shareholders but also broader human and social objectives, creating a more resilient, inclusive, and adaptive form of capitalism. The development of a mixed-value economy that puts *nonfinancial benefit* on equal legal, institutional, and cultural footing with profit. Research shows that people dropped into a system with established norms are likely to adopt them. China in fact illustrates the fundamental point of the fourth sector that social and economic objectives can be pursued by mixed-value organizations. Government organizations, too, are mixed-value enterprises, but until we measure them in color, we can't see their profits. In black and white, government is a cost center, it sets the goals (on behalf of the people it represents), the commercial sector profits, technological development advances, and national political, financial, and social goals are achieved. The link between business and society has been distorted by profit-driven priorities. By valuing only money, businesses often harm other forms of value. We created systems, and then they shaped us. But now society is pushing back. Technology and transparency make it easier to see the full impact of organizations, from polluting companies to abusive institutions, people are demanding accountability. Soon, hidden costs (externalities) will vanish. Businesses will have to take responsibility for their impact, either because it's right or because ignoring it is too costly. Technology aligns societal goals with business incentives, creating a scenario that is inevitable. With transparency, fewer barriers, and collaborative practices, economies will innovate more freely, growth will spread benefits more fairly, and capitalism will better fulfill human needs.

7. Summary and Conclusion

The future of capitalism will be shaped by technological innovation, global integration, and the evolving role of law. Emerging technologies such as artificial intelligence, automation, and advanced data analytics are transforming labor, production, and wealth creation, enabling efficiency gains but also raising challenges like job displacement, economic inequality, and concentration of capital. Global markets, digital platforms, and international trade have amplified these dynamics, creating multinational elites with the power to influence politics and regulate competition in their favor. Law will increasingly play a critical role in balancing these forces, enforcing antitrust regulations, protecting workers and marginalized populations, and promoting ecological and social sustainability. Legal frameworks may evolve to ensure universal basic protections, redistribute wealth equitably, and incentivize innovation that benefits broader society, shifting capitalism from a system focused solely on profit maximization to one that accounts for human welfare and environmental health. As capitalism adapts, national and corporate models must embrace new paradigms that prioritize long-term value, collaboration, and innovation over zero-sum competition. Five guiding principles for this new capitalism include: measuring real stakeholder value rather than purely financial returns, internalizing externalities by owning social and environmental impacts, focusing on meaningful innovation

rather than market share battles, fostering collaborative networks through “invisible handshakes,” and designing organizations to optimize mixed value—both financial and societal. Firms and nations alike will need to adopt adaptive, ecosystem-oriented approaches, planning for the growth of entire economic and social ecologies rather than their own narrow interests. The traditional DuPont equation, which emphasized return on investment, may be replaced by new metrics that evaluate the scale, frequency, and breadth of value-creating innovations. Power is shifting globally to emerging economies and agile, technology-driven networks, signaling a transition from competition-driven capitalism toward a system that rewards innovation, cooperation, and sustainable social outcomes. Individuals, organizations, and legal systems will increasingly shape the incentives and rules of the economy, creating a dynamic, transparent environment in which the next stage of capitalism prioritizes fulfillment, resilience, and collective well-being over narrow financial gain. According to Rawls injustice is simply inequalities that are not to the benefit of all. Historically, dominant cultural values have reflected the interests of elite groups, rewarding wealth accumulation over social contribution and embedding structural mechanisms that defend the status quo. Reliance on profit and short-term financial incentives has driven the current inequality while current systems fail to incentivize sustainable solutions.

The way forward requires addressing the two major “runaways” of contemporary capitalism: a fixation on narrow financial metrics and destructive competition. The first can be corrected by “seeing in color,” adopting broader measures of value that internalize social and environmental externalities. Transparent, networked economies allow society to hold institutions accountable, ensuring that prices reflect true costs. The second involves replacing pseudocompetition with collaborative innovation, or “invisible handshakes,” recognizing that growth increasingly arises from shared knowledge and learning rather than scarcity-driven rivalry. Emerging economies and digitally connected systems are leading this transition, emphasizing adaptation, feedback, and innovation. In this new paradigm, work becomes meaningful, consumption aligns with genuine fulfillment, and societal metrics prioritize broad well-being over GDP or profit. Law must evolve in parallel, moving from a tool of order and economic expansion to one of anticipatory governance: enforcing equity, sustainability, and systemic balance, while embedding life-value criteria into policy, corporate regulation, and constitutional frameworks. Only through these transformations can society avert catastrophic inequality and ecological collapse, and create a post-capitalist world that nurtures human wellbeing, social justice and sustainability.

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